

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE AUGUST 27, 2003

AMENDED IN SENATE JULY 15, 2003

AMENDED IN ASSEMBLY JUNE 3, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY MARCH 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1313

Introduced by Assembly Member Parra

(Principal coauthor: Assembly Member Spitzer)

*(Coauthors: Assembly Members Bogh, Diaz, Garcia, Shirley
Horton, La Suer, Strickland, and Vargas)*

*(Coauthors: Senators Alpert, Battin, Hollingsworth, Machado,
Margett, and McPherson)*

February 21, 2003

An act to amend ~~Section 290.01~~ Sections 290 and 290.01 of, to amend and repeal Section 290.4, and to add Section 290.45 to, of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1313, as amended, Parra. Sex offenders: ~~campus disclosures~~.

Existing state law provides that campus law enforcement may advise the public of the presence of high-risk sex offenders in its community, as specified. Existing federal law has been interpreted to require

campus law enforcement to advise the public of the presence of all sex offenders on campus.

This bill would revise state law to provide that campus law enforcement, or, if the campus has no police department, local law enforcement, may release to members of the campus community information regarding the presence of sex offenders on campus, as specified. This bill would require a member of the campus community to sign a specified statement before an agency would release offender information to him or her upon his or her request and would require the agency to maintain the statement in a file in the agency's office for at least 5 years. This bill would require an agency disseminating printed information pursuant to its provisions to maintain records of the means and dates of dissemination for a minimum of 5 years. This bill would define campus police department and campus community. This bill would provide that the Department of Justice may develop a training program for the disclosure of the information.

Existing law requires adult offenders who have been convicted of any of a specified group of sexual offenses to register with local law enforcement agencies and makes it a felony to willfully fail to register. Existing law also requires juvenile offenders as to whom a petition has been sustained for the commission of any of a different set of sexual offenses to register with local law enforcement agencies and makes it a felony to willfully fail to register.

Existing law generally limits the release of statements, photographs, and fingerprints required by the sex offender registration law except as specified. However, existing law authorizes a law enforcement agency, when a peace officer reasonably suspects that a child or other person may be at risk from a sex offender convicted of any of a group of specified offenses that require registration, to provide certain information about the offender that the agency deems relevant and necessary to protect the public, to specified persons, agencies, or organizations the offender is likely to encounter. This information includes such things as descriptions of the offender, vehicle information, the offender's address, and the offender's enrollment, employment, and vocational status with an institution of higher learning.

Other provisions in existing law provide for the dissemination by law enforcement entities of still more detailed information to the public concerning a narrower group of high-risk sex offenders, as specified.



This bill would recast those provisions described above that authorize law enforcement entities to disclose information on specified sex offenders in a separate code section from the general registration obligations. The bill would make additional and conforming changes in regard to these provisions.

Until January 1, 2004, existing law requires the Department of Justice to continually compile specified information categorized by community of residence and ZIP Code regarding any person required to register as a sex offender for a conviction for the commission or attempted commission of any specified sex offense. Existing law requires the Department of Justice to operate a “900” telephone number for people to inquire whether a named individual is among those specified registrants. Existing law also requires the department to provide a CD-ROM or other electronic medium containing a specified portion of the compiled sex offender information to certain law enforcement agencies. These law enforcement agencies are required to make the CD-ROM or other electronic medium available for public viewing, as specified. Existing law makes unauthorized use of the CD-ROM or “900” telephone number information a misdemeanor, and requires reports be made by the department concerning the CD-ROM and “900” telephone number programs.

This bill would extend the expiration of these provisions to January 1, 2007.

By delaying the repeal of these provisions, and extending the duties of local law enforcement agencies and the operation of existing crimes this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Sections 290, 290.4, and 290.45 of the Penal Code proposed by SB 356 and SB 879, to become operative only if this bill and one or more of the other bills are enacted and become effective on or before January 1, 2004, and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.



With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 290 of the Penal Code is amended to*
2 *read:*

3 290. (a) (1) (A) Every person described in paragraph (2),
4 for the rest of his or her life while residing in, or, if he or she has
5 no residence, while located within California, or while attending
6 school or working in California, as described in subparagraph (G),
7 shall be required to register with the chief of police of the city in
8 which he or she is residing, or if he or she has no residence, is
9 located, or the sheriff of the county if he or she is residing, or if he
10 or she has no residence, is located, in an unincorporated area or city
11 that has no police department, and, additionally, with the chief of
12 police of a campus of the University of California, the California
13 State University, or community college if he or she is residing, or
14 if he or she has no residence, is located upon the campus or in any
15 of its facilities, within five working days of coming into, or
16 changing his or her residence or location within, any city, county,
17 or city and county, or campus in which he or she temporarily
18 resides, or, if he or she has no residence, is located.

19 (B) If the person who is registering has more than one residence
20 address or location at which he or she regularly resides or is
21 located, he or she shall register in accordance with subparagraph
22 (A) in each of the jurisdictions in which he or she regularly resides
23 or is located. If all of the addresses or locations are within the same
24 jurisdiction, the person shall provide the registering authority with
25 all of the addresses or locations where he or she regularly resides
26 or is located.

27 (C) If the person who is registering has no residence address,
28 he or she shall update his or her registration no less than once every
29 60 days in addition to the requirement in subparagraph (A), on a



1 form as may be required by the Department of Justice, with the
2 entity or entities described in subparagraph (A) in whose
3 jurisdiction he or she is located at the time he or she is updating the
4 registration.

5 (D) Beginning on his or her first birthday following
6 registration or change of address, the person shall be required to
7 register annually, within five working days of his or her birthday,
8 to update his or her registration with the entities described in
9 subparagraph (A). At the annual update, the person shall provide
10 current information as required on the Department of Justice
11 annual update form, including the information described in
12 subparagraphs (A) to (C), inclusive, of paragraph (2) of
13 subdivision (e).

14 (E) In addition, every person who has ever been adjudicated a
15 sexually violent predator, as defined in Section 6600 of the
16 Welfare and Institutions Code, shall, after his or her release from
17 custody, verify his or her address no less than once every 90 days
18 and place of employment, including the name and address of the
19 employer, in a manner established by the Department of Justice.

20 (F) No entity shall require a person to pay a fee to register or
21 update his or her registration pursuant to this section. The
22 registering agency shall submit registrations, including annual
23 updates or changes of address, directly into the Department of
24 Justice Violent Crime Information Network (VCIN).

25 (G) Persons required to register in their state of residence who
26 are out-of-state residents employed, or carrying on a vocation in
27 California on a full-time or part-time basis, with or without
28 compensation, for more than 14 days, or for an aggregate period
29 exceeding 30 days in a calendar year, shall register in accordance
30 with subparagraph (A). Persons described in paragraph (2) who
31 are out-of-state residents enrolled in any educational institution in
32 California, as defined in Section 22129 of the Education Code, on
33 a full-time or part-time basis, shall register in accordance with
34 subparagraph (A). The place where the out-of-state resident is
35 located, for purposes of registration, shall be the place where the
36 person is employed, carrying on a vocation, or attending school.
37 The out-of-state resident subject to this subparagraph shall, in
38 addition to the information required pursuant to subdivision (e),
39 provide the registering authority with the name of his or her place
40 of employment or the name of the school attended in California,

1 and his or her address or location in his or her state of residence.
2 The registration requirement for persons subject to this
3 subparagraph shall become operative on November 25, 2000. The
4 terms “employed or carries on a vocation” include employment
5 whether or not financially compensated, volunteered, or
6 performed for government or educational benefit.

7 (2) The following persons shall be required to register pursuant
8 to paragraph (1):

9 (A) Any person who, since July 1, 1944, has been or is hereafter
10 convicted in any court in this state or in any federal or military
11 court of a violation of Section 207 or 209 committed with intent
12 to violate Section 261, 286, 288, 288a, or 289, Section 220, except
13 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),
14 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of
15 subdivision (a) of Section 262 involving the use of force or
16 violence for which the person is sentenced to the state prison,
17 Section 264.1, 266, 266c, subdivision (b) of Section 266h,
18 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,
19 288a, 288.5, or 289, subdivision (b), (c), or (d) of Section 311.2,
20 Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section
21 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section
22 314, any offense involving lewd or lascivious conduct under
23 Section 272, or any felony violation of Section 288.2; *or any*
24 *statutory predecessor that includes all elements of one of the*
25 *above-mentioned offenses*; or any person who since that date has
26 been or is hereafter convicted of the attempt to commit any of the
27 above-mentioned offenses.

28 (B) Any person who, since July 1, 1944, has been or hereafter
29 is released, discharged, or paroled from a penal institution where
30 he or she was confined because of the commission or attempted
31 commission of one of the offenses described in subparagraph (A).

32 (C) Any person who, since July 1, 1944, has been or hereafter
33 is determined to be a mentally disordered sex offender under
34 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2
35 of Division 6 of the Welfare and Institutions Code or any person
36 who has been found guilty in the guilt phase of a trial for an offense
37 for which registration is required by this section but who has been
38 found not guilty by reason of insanity in the sanity phase of the
39 trial.

1 (D) Any person who, since July 1, 1944, has been, or is
2 hereafter convicted in any other court, including any state, federal,
3 or military court, of any offense that, if committed or attempted in
4 this state, would have been punishable as one or more of the
5 offenses described in subparagraph (A) or any person ordered by
6 any other court, including any state, federal, or military court, to
7 register as a sex offender for any offense, if the court found at the
8 time of conviction or sentencing that the person committed the
9 offense as a result of sexual compulsion or for purposes of sexual
10 gratification.

11 (E) Any person ordered by any court to register pursuant to this
12 section for any offense not included specifically in this section if
13 the court finds at the time of conviction or sentencing that the
14 person committed the offense as a result of sexual compulsion or
15 for purposes of sexual gratification. The court shall state on the
16 record the reasons for its findings and the reasons for requiring
17 registration.

18 (F) (i) Notwithstanding any other subdivision, a person who
19 was convicted before January 1, 1976, under subdivision (a) of
20 Section 286, or Section 288a, shall not be required to register
21 pursuant to this section for that conviction if the conviction was for
22 conduct between consenting adults that was decriminalized by
23 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes
24 of 1976. The Department of Justice shall remove that person from
25 the Sex Offender Registry, and the person is discharged from his
26 or her duty to register pursuant to the following procedure:

27 (I) The person submits to the Department of Justice official
28 documentary evidence, including court records or police reports,
29 that demonstrate that the person's conviction pursuant to either of
30 those sections was for conduct between consenting adults that was
31 decriminalized; or

32 (II) The person submits to the department a declaration stating
33 that the person's conviction pursuant to either of those sections was
34 for consensual conduct between adults that has been
35 decriminalized. The declaration shall be confidential and not a
36 public record, and shall include the person's name, address,
37 telephone number, date of birth, and a summary of the
38 circumstances leading to the conviction, including the date of the
39 conviction and county of the occurrence.

1 (III) The department shall determine whether the person's
2 conviction was for conduct between consensual adults that has
3 been decriminalized. If the conviction was for consensual conduct
4 between adults that has been decriminalized, and the person has no
5 other offenses for which he or she is required to register pursuant
6 to this section, the department shall, within 60 days of receipt of
7 those documents, notify the person that he or she is relieved of the
8 duty to register, and shall notify the local law enforcement agency
9 with which the person is registered that he or she has been relieved
10 of the duty to register. The local law enforcement agency shall
11 remove the person's registration from its files within 30 days of
12 receipt of notification. If the documentary or other evidence
13 submitted is insufficient to establish the person's claim, the
14 department shall, within 60 days of receipt of those documents,
15 notify the person that his or her claim cannot be established, and
16 that the person shall continue to register pursuant to this section.
17 The department shall provide, upon the person's request, any
18 information relied upon by the department in making its
19 determination that the person shall continue to register pursuant to
20 this section. Any person whose claim has been denied by the
21 department pursuant to this clause may petition the court to appeal
22 the department's denial of the person's claim.

23 (ii) On or before July 1, 1998, the department shall make a
24 report to the Legislature concerning the status of persons who may
25 come under the provisions of this subparagraph, including the
26 number of persons who were convicted before January 1, 1976,
27 under subdivision (a) of Section 286 or Section 288a and are
28 required to register under this section, the average age of these
29 persons, the number of these persons who have any subsequent
30 convictions for a registerable sex offense, and the number of these
31 persons who have sought successfully or unsuccessfully to be
32 relieved of their duty to register under this section.

33 (b) (1) Any person who is released, discharged, or paroled
34 from a jail, state or federal prison, school, road camp, or other
35 institution where he or she was confined because of the
36 commission or attempted commission of one of the offenses
37 specified in subdivision (a) or is released from a state hospital to
38 which he or she was committed as a mentally disordered sex
39 offender under Article 1 (commencing with Section 6300) of
40 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions

1 Code, shall, prior to discharge, parole, or release, be informed of
2 his or her duty to register under this section by the official in charge
3 of the place of confinement or hospital, and the official shall
4 require the person to read and sign any form that may be required
5 by the Department of Justice, stating that the duty of the person to
6 register under this section has been explained to the person. The
7 official in charge of the place of confinement or hospital shall
8 obtain the address where the person expects to reside upon his or
9 her discharge, parole, or release and shall report the address to the
10 Department of Justice. The official shall at the same time forward
11 a current photograph of the person to the Department of Justice.

12 (2) The official in charge of the place of confinement or
13 hospital shall give one copy of the form to the person and shall send
14 one copy to the Department of Justice and one copy to the
15 appropriate law enforcement agency or agencies having
16 jurisdiction over the place the person expects to reside upon
17 discharge, parole, or release. If the conviction that makes the
18 person subject to this section is a felony conviction, the official in
19 charge shall, not later than 45 days prior to the scheduled release
20 of the person, send one copy to the appropriate law enforcement
21 agency or agencies having local jurisdiction where the person
22 expects to reside upon discharge, parole, or release; one copy to the
23 prosecuting agency that prosecuted the person; and one copy to the
24 Department of Justice. The official in charge of the place of
25 confinement or hospital shall retain one copy.

26 (c) (1) Any person who is convicted in this state of the
27 commission or attempted commission of any of the offenses
28 specified in subdivision (a) and who is released on probation, shall,
29 prior to release or discharge, be informed of the duty to register
30 under this section by the probation department, and a probation
31 officer shall require the person to read and sign any form that may
32 be required by the Department of Justice, stating that the duty of
33 the person to register under this section has been explained to him
34 or her. The probation officer shall obtain the address where the
35 person expects to reside upon release or discharge and shall report
36 within three days the address to the Department of Justice. The
37 probation officer shall give one copy of the form to the person,
38 send one copy to the Department of Justice, and forward one copy
39 to the appropriate law enforcement agency or agencies having

1 local jurisdiction where the person expects to reside upon his or her
2 discharge, parole, or release.

3 (2) Any person who is convicted in this state of the commission
4 or attempted commission of any of the offenses specified in
5 subdivision (a) and who is granted conditional release without
6 supervised probation, or discharged upon payment of a fine, shall,
7 prior to release or discharge, be informed of the duty to register
8 under this section in open court by the court in which the person
9 has been convicted, and the court shall require the person to read
10 and sign any form that may be required by the Department of
11 Justice, stating that the duty of the person to register under this
12 section has been explained to him or her. If the court finds that it
13 is in the interest of the efficiency of the court, the court may assign
14 the bailiff to require the person to read and sign forms under this
15 section. The court shall obtain the address where the person
16 expects to reside upon release or discharge and shall report within
17 three days the address to the Department of Justice. The court shall
18 give one copy of the form to the person, send one copy to the
19 Department of Justice, and forward one copy to the appropriate
20 law enforcement agency or agencies having local jurisdiction
21 where the person expects to reside upon his or her discharge,
22 parole, or release.

23 (d) (1) Any person who, on or after January 1, 1986, is
24 discharged or paroled from the Department of the Youth Authority
25 to the custody of which he or she was committed after having been
26 adjudicated a ward of the juvenile court pursuant to Section 602
27 of the Welfare and Institutions Code because of the commission or
28 attempted commission of any offense described in paragraph (3)
29 shall be subject to registration under the procedures of this section.

30 (2) Any person who is discharged or paroled from a facility in
31 another state that is equivalent to the Department of the Youth
32 Authority, to the custody of which he or she was committed
33 because of an offense which, if committed or attempted in this
34 state, would have been punishable as one or more of the offenses
35 described in paragraph (3), shall be subject to registration under
36 the procedures of this section.

37 (3) Any person described in this subdivision who committed an
38 offense in violation of any of the following provisions shall be
39 required to register pursuant to this section:



1 (A) Assault with intent to commit rape, sodomy, oral
2 copulation, or any violation of Section 264.1, 288, or 289 under
3 Section 220.

4 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
5 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
6 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
7 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)
8 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of
9 Section 289, or Section 647.6.

10 (C) A violation of Section 207 or 209 committed with the intent
11 to violate Section 261, 286, 288, 288a, or 289.

12 (4) Prior to discharge or parole from the Department of the
13 Youth Authority, any person who is subject to registration under
14 this subdivision shall be informed of the duty to register under the
15 procedures set forth in this section. Department of the Youth
16 Authority officials shall transmit the required forms and
17 information to the Department of Justice.

18 (5) All records specifically relating to the registration in the
19 custody of the Department of Justice, law enforcement agencies,
20 and other agencies or public officials shall be destroyed when the
21 person who is required to register has his or her records sealed
22 under the procedures set forth in Section 781 of the Welfare and
23 Institutions Code. This subdivision shall not be construed as
24 requiring the destruction of other criminal offender or juvenile
25 records relating to the case that are maintained by the Department
26 of Justice, law enforcement agencies, the juvenile court, or other
27 agencies and public officials unless ordered by a court under
28 Section 781 of the Welfare and Institutions Code.

29 (e) (1) On or after January 1, 1998, upon incarceration,
30 placement, or commitment, or prior to release on probation, any
31 person who is required to register under this section shall
32 preregister. The preregistering official shall be the admitting
33 officer at the place of incarceration, placement, or commitment, or
34 the probation officer if the person is to be released on probation.
35 The preregistration shall consist of both of the following:

36 (A) A preregistration statement in writing, signed by the
37 person, giving information that shall be required by the
38 Department of Justice.

39 (B) The fingerprints and a current photograph of the person.

1 (C) Any person who is preregistered pursuant to this
2 subdivision is required to be preregistered only once.

3 (2) A person described in paragraph (2) of subdivision (a) shall
4 register, or reregister if the person has previously registered, upon
5 release from incarceration, placement, or commitment, pursuant
6 to paragraph (1) of subdivision (a). The registration shall consist
7 of all of the following:

8 (A) A statement in writing signed by the person, giving
9 information as shall be required by the Department of Justice and
10 giving the name and address of the person's employer, and the
11 address of the person's place of employment if that is different
12 from the employer's main address.

13 (B) The fingerprints and a current photograph of the person
14 taken by the registering official.

15 (C) The license plate number of any vehicle owned by,
16 regularly driven by, or registered in the name of the person.

17 (D) Notice to the person that, in addition to the requirements of
18 paragraph (4), he or she may have a duty to register in any other
19 state where he or she may relocate.

20 (E) Copies of adequate proof of residence, which shall be
21 limited to a California driver's license, California identification
22 card, recent rent or utility receipt, printed personalized checks or
23 other recent banking documents showing that person's name and
24 address, or any other information that the registering official
25 believes is reliable. If the person has no residence and no
26 reasonable expectation of obtaining a residence in the foreseeable
27 future, the person shall so advise the registering official and shall
28 sign a statement provided by the registering official stating that
29 fact. Upon presentation of proof of residence to the registering
30 official or a signed statement that the person has no residence, the
31 person shall be allowed to register. If the person claims that he or
32 she has a residence but does not have any proof of residence, he or
33 she shall be allowed to register but shall furnish proof of residence
34 within 30 days of the day he or she is allowed to register.

35 (3) Within three days thereafter, the preregistering official or
36 the registering law enforcement agency or agencies shall forward
37 the statement, fingerprints, photograph, and vehicle license plate
38 number, if any, to the Department of Justice.

39 (f) (1) If any person who is required to register pursuant to this
40 section changes his or her residence address or location, whether

1 within the jurisdiction in which he or she is currently registered or
2 to a new jurisdiction inside or outside the state, the person shall
3 inform, in writing within five working days, the law enforcement
4 agency or agencies with which he or she last registered of the new
5 address or location. The law enforcement agency or agencies shall,
6 within three days after receipt of this information, forward a copy
7 of the change of address or location information to the Department
8 of Justice. The Department of Justice shall forward appropriate
9 registration data to the law enforcement agency or agencies having
10 local jurisdiction of the new place of residence or location.

11 (2) If the person's new address is in a Department of the Youth
12 Authority facility or a state prison or state mental institution, an
13 official of the place of incarceration, placement, or commitment
14 shall, within 90 days of receipt of the person, forward the
15 registrant's change of address information to the Department of
16 Justice. The agency need not provide a physical address for the
17 registrant but shall indicate that he or she is serving a period of
18 incarceration or commitment in a facility under the agency's
19 jurisdiction. This paragraph shall apply to persons received in a
20 Department of the Youth Authority facility or a state prison or state
21 mental institution on or after January 1, 1999. The Department of
22 Justice shall forward the change of address information to the
23 agency with which the person last registered.

24 (3) If any person who is required to register pursuant to this
25 section changes his or her name, the person shall inform, in person,
26 the law enforcement agency or agencies with which he or she is
27 currently registered within five working days. The law
28 enforcement agency or agencies shall forward a copy of this
29 information to the Department of Justice within three days of its
30 receipt.

31 (g) (1) Any person who is required to register under this
32 section based on a misdemeanor conviction or juvenile
33 adjudication who willfully violates any requirement of this section
34 is guilty of a misdemeanor punishable by imprisonment in a
35 county jail not exceeding one year.

36 (2) Except as provided in paragraphs (5) and (7), any person
37 who is required to register under this section based on a felony
38 conviction or juvenile adjudication who willfully violates any
39 requirement of this section or who has a prior conviction or
40 juvenile adjudication for the offense of failing to register under this

1 section and who subsequently and willfully violates any
2 requirement of this section is guilty of a felony and shall be
3 punished by imprisonment in the state prison for 16 months, or two
4 or three years.

5 If probation is granted or if the imposition or execution of
6 sentence is suspended, it shall be a condition of the probation or
7 suspension that the person serve at least 90 days in a county jail.
8 The penalty described in this paragraph shall apply whether or not
9 the person has been released on parole or has been discharged from
10 parole.

11 (3) Any person determined to be a mentally disordered sex
12 offender or who has been found guilty in the guilt phase of trial for
13 an offense for which registration is required under this section, but
14 who has been found not guilty by reason of insanity in the sanity
15 phase of the trial, or who has had a petition sustained in a juvenile
16 adjudication for an offense for which registration is required under
17 this section pursuant to subdivision (d), but who has been found
18 not guilty by reason of insanity, who willfully violates any
19 requirement of this section is guilty of a misdemeanor and shall be
20 punished by imprisonment in a county jail not exceeding one year.
21 For any second or subsequent willful violation of any requirement
22 of this section, the person is guilty of a felony and shall be punished
23 by imprisonment in the state prison for 16 months, or two or three
24 years.

25 (4) If, after discharge from parole, the person is convicted of a
26 felony or suffers a juvenile adjudication as specified in this
27 subdivision, he or she shall be required to complete parole of at
28 least one year, in addition to any other punishment imposed under
29 this subdivision. A person convicted of a felony as specified in this
30 subdivision may be granted probation only in the unusual case
31 where the interests of justice would best be served. When
32 probation is granted under this paragraph, the court shall specify
33 on the record and shall enter into the minutes the circumstances
34 indicating that the interests of justice would best be served by the
35 disposition.

36 (5) Any person who has ever been adjudicated a sexually
37 violent predator, as defined in Section 6600 of the Welfare and
38 Institutions Code, and who fails to verify his or her registration
39 every 90 days as required pursuant to subparagraph (E) of
40 paragraph (1) of subdivision (a), shall be punished by

1 imprisonment in the state prison, or in a county jail not exceeding
2 one year.

3 (6) Except as otherwise provided in paragraph (5), and in
4 addition to any other penalty imposed under this subdivision, any
5 person who is required pursuant to subparagraph (C) of paragraph
6 (1) of subdivision (a) to update his or her registration every 60 days
7 and willfully fails to update his or her registration is guilty of a
8 misdemeanor and shall be punished by imprisonment in a county
9 jail not exceeding six months. Any subsequent violation of this
10 requirement that persons described in subparagraph (C) of
11 paragraph (1) of subdivision (a) shall update their registration
12 every 60 days is also a misdemeanor and shall be punished by
13 imprisonment in a county jail not exceeding six months.

14 (7) Any person who fails to provide proof of residence as
15 required by subparagraph (E) of paragraph (2) of subdivision (e),
16 regardless of the offense upon which the duty to register is based,
17 is guilty of a misdemeanor punishable by imprisonment in a
18 county jail not exceeding six months.

19 (8) Any person who is required to register under this section
20 who willfully violates any requirement of this section is guilty of
21 a continuing offense.

22 (h) Whenever any person is released on parole or probation and
23 is required to register under this section but fails to do so within
24 the time prescribed, the parole authority, the Youthful Offender
25 Parole Board, or the court, as the case may be, shall order the
26 parole or probation of the person revoked. For purposes of this
27 subdivision, “parole authority” has the same meaning as
28 described in Section 3000.

29 (i) Except as provided in ~~subdivisions (m) and (n) and Section~~
30 ~~290.4 Sections 290.4 and 290.45~~, the statements, photographs,
31 and fingerprints required by this section shall not be open to
32 inspection by the public or by any person other than a regularly
33 employed peace officer or other law enforcement officer.

34 (j) In any case in which a person who would be required to
35 register pursuant to this section for a felony conviction is to be
36 temporarily sent outside the institution where he or she is confined
37 on any assignment within a city or county including firefighting,
38 disaster control, or of whatever nature the assignment may be, the
39 local law enforcement agency having jurisdiction over the place
40 or places where the assignment shall occur shall be notified within

1 a reasonable time prior to removal from the institution. This
2 subdivision shall not apply to any person who is temporarily
3 released under guard from the institution where he or she is
4 confined.

5 (k) As used in this section, “mentally disordered sex offender”
6 includes any person who has been determined to be a sexual
7 psychopath or a mentally disordered sex offender under any
8 provision which, on or before January 1, 1976, was contained in
9 Division 6 (commencing with Section 6000) of the Welfare and
10 Institutions Code.

11 (l) (1) Every person who, prior to January 1, 1997, is required
12 to register under this section, shall be notified whenever he or she
13 next reregisters of the reduction of the registration period from 14
14 to five working days. This notice shall be provided in writing by
15 the registering agency or agencies. Failure to receive this
16 notification shall be a defense against the penalties prescribed by
17 subdivision (g) if the person did register within 14 days.

18 (2) Every person who, as a sexually violent predator, as defined
19 in Section 6600 of the Welfare and Institutions Code, is required
20 to verify his or her registration every 90 days, shall be notified
21 wherever he or she next registers of his or her increased
22 registration obligations. This notice shall be provided in writing by
23 the registering agency or agencies. Failure to receive this notice
24 shall be a defense against the penalties prescribed by paragraph (5)
25 of subdivision (g).

26 ~~(m) (1) When a peace officer reasonably suspects, based on~~
27 ~~information that has come to his or her attention through~~
28 ~~information provided by any peace officer or member of the~~
29 ~~public, that a child or other person may be at risk from a sex~~
30 ~~offender convicted of a crime listed in paragraph (1) of subdivision~~
31 ~~(a) of Section 290.4, a law enforcement agency may,~~
32 ~~notwithstanding any other provision of law, provide any of the~~
33 ~~information specified in paragraph (4) of this subdivision about~~
34 ~~that registered sex offender that the agency deems relevant and~~
35 ~~necessary to protect the public, to the following persons, agencies,~~
36 ~~or organizations the offender is likely to encounter, including, but~~
37 ~~not limited to, the following:~~

38 ~~(A) Public and private educational institutions, day care~~
39 ~~establishments, and establishments and organizations that~~
40 ~~primarily serve individuals likely to be victimized by the offender.~~

~~(B) Other community members at risk.~~

~~(2) The law enforcement agency may authorize persons and entities who receive the information pursuant to paragraph (1) to disclose information to additional persons only if the agency does the following:~~

~~(A) Determines that all conditions set forth in paragraph (1) have been satisfied regarding disclosure to the additional persons.~~

~~(B) Identifies the appropriate scope of further disclosure.~~

~~(3) Persons notified pursuant to paragraph (1) may disclose the information provided by the law enforcement agency in the manner and to the extent authorized by the law enforcement agency.~~

~~(4) The information that may be disclosed pursuant to this section includes the following:~~

~~(A) The offender's full name.~~

~~(B) The offender's known aliases.~~

~~(C) The offender's gender.~~

~~(D) The offender's race.~~

~~(E) The offender's physical description.~~

~~(F) The offender's photograph.~~

~~(G) The offender's date of birth.~~

~~(H) Crimes resulting in registration under this section.~~

~~(I) The offender's address, which must be verified prior to publication.~~

~~(J) Description and license plate number of offender's vehicles or vehicles the offender is known to drive.~~

~~(K) Type of victim targeted by the offender.~~

~~(L) Relevant parole or probation conditions, such as one prohibiting contact with children.~~

~~(M) Dates of crimes resulting in classification under this section.~~

~~(N) Date of release from confinement.~~

~~(O) The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.~~

~~However, information disclosed pursuant to this subdivision shall not include information that would identify the victim.~~

~~(5) If a law enforcement agency discloses information pursuant to this subdivision, it shall include, with the disclosure, a statement that the purpose of the release of the information is to allow~~

~~members of the public to protect themselves and their children from sex offenders.~~

~~(6) For purposes of this section, “likely to encounter” means both of the following:~~

~~(A) That the agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis.~~

~~(B) The types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.~~

~~(7) For purposes of this section, “reasonably suspects” means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.~~

~~(8) For purposes of this section, “at risk” means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.~~

~~(9) A law enforcement agency may continue to disclose information on an offender under this subdivision for as long as the offender is included in Section 290.4.~~

~~(n) In addition to the procedures set forth elsewhere in this section, a designated law enforcement entity may advise the public of the presence of high-risk sex offenders in its community pursuant to this subdivision.~~

~~(1) For purposes of this subdivision:~~

~~(A) A high-risk sex offender is a person who has been convicted of an offense specified in paragraph (1) of subdivision (a) of Section 290.4, and also meets one of the following criteria:~~

~~(i) Has been convicted of three or more violent sex offenses, at least two of which were brought and tried separately.~~

~~(ii) Has been convicted of two violent sex offenses and one or more violent nonsex offenses, at least two of which were brought and tried separately.~~

~~(iii) Has been convicted of one violent sex offense and two or more violent nonsex offenses, at least two of which were brought and tried separately.~~

~~(iv) Has been convicted of either two violent sex offenses or one violent sex offense and one violent nonsex offense, at least two~~

1 of which were brought and tried separately, and has been arrested
2 on separate occasions for three or more violent sex offenses,
3 violent nonsex offenses, or associated offenses.

4 (v) Has been adjudicated a sexually violent predator pursuant
5 to Article 4 (commencing with Section 6600) of Chapter 2 of Part
6 2 of Division 6 of the Welfare and Institutions Code.

7 (B) A violent sex offense means any offense defined in Section
8 220, except attempt to commit mayhem, or Section 261, 264.1,
9 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily
10 injury during the commission of a sex offense, as provided in
11 Section 12022.8.

12 (C) A violent nonsex offense means any offense defined in
13 Section 187, subdivision (a) of Section 192, or Section 203, 206,
14 207, or 236, provided that the offense is a felony, subdivision (a)
15 of Section 273a, Section 273d or 451, or attempted murder, as
16 defined in Sections 187 and 664.

17 (D) An associated offense means any offense defined in
18 Section 243.4, provided that the offense is a felony, Section 311.1,
19 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459,
20 provided the offense is of the first degree, Section 597 or 646.9,
21 subdivision (d), (h), or (i) of Section 647, Section 653m, or
22 infliction of great bodily injury during the commission of a felony,
23 as defined in Section 12022.7.

24 (E) For purposes of subparagraphs (B) to (D), inclusive, an
25 arrest or conviction for the statutory predecessor of any of the
26 enumerated offenses, or an arrest or conviction in any other
27 jurisdiction for any offense that, if committed or attempted in this
28 state, would have been punishable as one or more of the offenses
29 described in those subparagraphs, is to be considered in
30 determining whether an offender is a high-risk sex offender.

31 (F) For purposes of subparagraphs (B) to (D), inclusive, an
32 arrest as a juvenile or an adjudication as a ward of the juvenile
33 court within the meaning of Section 602 of the Welfare and
34 Institutions Code for any of the offenses described in those
35 subparagraphs is to be considered in determining whether an
36 offender is a high-risk sex offender.

37 (G) Notwithstanding subparagraphs (A) to (D), inclusive, an
38 offender shall not be considered to be a high-risk sex offender if
39 either of the following apply:

~~(i) The offender's most recent conviction or arrest for an offense described in subparagraphs (B) to (D), inclusive, occurred more than five years prior to the high-risk assessment by the Department of Justice, excluding periods of confinement.~~

~~(ii) The offender notifies the Department of Justice, on a form approved by the department and available at any sheriff's office, that he or she has not been convicted in the preceding 15 years, excluding periods of confinement, of an offense for which registration is required under paragraph (2) of subdivision (a), and the department is able, upon exercise of reasonable diligence, to verify the information provided in paragraph (2).~~

~~(H) "Confinement" means confinement in a jail, prison, school, road camp, or other penal institution, confinement in a state hospital to which the offender was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or confinement in a facility designated by the Director of Mental Health to which the offender was committed as a sexually violent predator under Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.~~

~~(I) "Designated law enforcement entity" means any of the following: municipal police department; sheriff's department; district attorney's office; county probation department; Department of Justice; Department of Corrections; Department of the Youth Authority; Department of the California Highway Patrol; or the police department of any campus of the University of California, California State University, or community college.~~

~~(2) The Department of Justice shall continually search the records provided to it pursuant to subdivision (b) and identify, on the basis of those records, high-risk sex offenders. Four times each year, the department shall provide to each chief of police and sheriff in the state, and to any other designated law enforcement entity upon request, the following information regarding each identified high-risk sex offender: full name; known aliases; gender; race; physical description; photograph; date of birth; and crimes resulting in classification under this section.~~

~~(3) The Department of Justice and any designated law enforcement entity to which notice has been given pursuant to paragraph (2) may cause to be made public, by whatever means the~~

1 ~~agency deems necessary to ensure the public safety, based upon~~
2 ~~information available to the agency concerning a specific person;~~
3 ~~including, but not limited to, the information described in~~
4 ~~paragraph (2); the offender's address, which shall be verified prior~~
5 ~~to publication; description and license plate number of the~~
6 ~~offender's vehicles or vehicles the offender is known to drive; type~~
7 ~~of victim targeted by the offender; relevant parole or probation~~
8 ~~conditions, such as one prohibiting contact with children; dates of~~
9 ~~crimes resulting in classification under this section; and date of~~
10 ~~release from confinement; but excluding information that would~~
11 ~~identify the victim.~~

12 ~~(4) Notwithstanding any other provision of law, any person~~
13 ~~described in paragraph (2) of subdivision (p) who receives~~
14 ~~information from a designated law enforcement entity pursuant to~~
15 ~~paragraph (3) may disclose that information in the manner and to~~
16 ~~the extent authorized by the law enforcement entity.~~

17 ~~(5) The law enforcement agency may authorize persons and~~
18 ~~entities who receive the information pursuant to paragraph (3) to~~
19 ~~disclose information to additional persons only if the agency does~~
20 ~~the following:~~

21 ~~(A) Determines that all conditions set forth in this subdivision~~
22 ~~have been satisfied regarding disclosure to the additional persons.~~

23 ~~(B) Identifies the appropriate scope of further disclosure.~~

24 ~~(c) Agencies disseminating information to the public pursuant~~
25 ~~to Section 290.4 shall maintain records of those persons requesting~~
26 ~~to view the CD-ROM or other electronic media for a minimum of~~
27 ~~five years. Agencies disseminating information to the public~~
28 ~~pursuant to subdivision (n) shall maintain records of the means and~~
29 ~~dates of dissemination for a minimum of five years.~~

30 ~~(p) (1) Any law enforcement agency and employees of any~~
31 ~~law enforcement agency shall be immune from liability for good~~
32 ~~faith conduct under this section. For the purposes of this section,~~
33 ~~"law enforcement agency" means the Attorney General of~~
34 ~~California, every district attorney, the Department of Corrections,~~
35 ~~the Department of the Youth Authority, and every state or local~~
36 ~~agency expressly authorized by statute to investigate or prosecute~~
37 ~~law violators.~~

38 ~~(2) Any public or private educational institution, day care~~
39 ~~facility, or any child care custodian described in Section 11165.7,~~
40 ~~or any employee of a public or private educational institution or~~

~~day care facility which in good faith disseminates information as authorized pursuant to paragraph (3) of subdivision (m) or paragraph (4) of subdivision (n) that is provided by a law enforcement agency or an employee of a law enforcement agency shall be immune from civil liability.~~

~~(q) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.~~

~~(2) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).~~

~~(r) The registration and public notification~~ *The registration provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described in this section, regardless of when it was committed.*

SEC. 1.1. Section 290 of the Penal Code is amended to read:

290. (a) (1) (A) Every person described in paragraph (2), for the rest of his or her life while residing in, or, if he or she has no residence, while located within California, or while attending school or working in California, as described in subparagraph (G), shall be required to register with the chief of police of the city in which he or she is residing, or if he or she has no residence, is located, or the sheriff of the county if he or she is residing, or if he or she has no residence, is located, in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing, or if he or she has no residence, is located upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence or location within, any city, county, or city and county, or campus in which he or she temporarily resides, or, if he or she has no residence, is located.

(B) If the person who is registering has more than one residence address or location at which he or she regularly resides or is located, he or she shall register in accordance with subparagraph

(A) in each of the jurisdictions in which he or she regularly resides or is located. If all of the addresses or locations are within the same jurisdiction, the person shall provide the registering authority with all of the addresses or locations where he or she regularly resides or is located.

(C) If the person who is registering has no residence address, he or she shall update his or her registration no less than once every 60 days in addition to the requirement in subparagraph (A), on a form as may be required by the Department of Justice, with the entity or entities described in subparagraph (A) in whose jurisdiction he or she is located at the time he or she is updating the registration.

(D) Beginning on his or her first birthday following registration or change of address, the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subparagraph (A). At the annual update, the person shall provide current information as required on the Department of Justice annual update form, including the information described in subparagraphs (A) to (C), inclusive, of paragraph (2) of subdivision (e).

(E) In addition, every person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, shall, after his or her release from custody, verify his or her address no less than once every 90 days and place of employment, including the name and address of the employer, in a manner established by the Department of Justice.

(F) No entity shall require a person to pay a fee to register or update his or her registration pursuant to this section. The registering agency shall submit registrations, including annual updates or changes of address, directly into the Department of Justice Violent Crime Information Network (VCIN).

(G) Persons required to register in their state of residence who are out-of-state residents employed, or carrying on a vocation in California on a full-time or part-time basis, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall register in accordance with subparagraph (A). Persons described in paragraph (2) who are out-of-state residents enrolled in any educational institution in California, as defined in Section 22129 of the Education Code, on

1 a full-time or part-time basis, shall register in accordance with
2 subparagraph (A). The place where the out-of-state resident is
3 located, for purposes of registration, shall be the place where the
4 person is employed, carrying on a vocation, or attending school.
5 The out-of-state resident subject to this subparagraph shall, in
6 addition to the information required pursuant to subdivision (e),
7 provide the registering authority with the name of his or her place
8 of employment or the name of the school attended in California,
9 and his or her address or location in his or her state of residence.
10 The registration requirement for persons subject to this
11 subparagraph shall become operative on November 25, 2000. The
12 terms “employed or carries on a vocation” include employment
13 whether or not financially compensated, volunteered, or
14 performed for government or educational benefit.

15 (2) The following persons shall be required to register pursuant
16 to paragraph (1):

17 (A) Any person who, since July 1, 1944, has been or is hereafter
18 convicted in any court in this state or in any federal or military
19 court of a violation of Section 207 or 209 committed with intent
20 to violate Section 261, 286, 288, 288a, or 289, Section 220, except
21 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),
22 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of
23 subdivision (a) of Section 262 involving the use of force or
24 violence for which the person is sentenced to the state prison,
25 Section 264.1, 266, 266c, subdivision (b) of Section 266h,
26 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,
27 288a, 288.5, or 289, subdivision (b), (c), or (d) of Section 311.2,
28 Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section
29 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section
30 314, any offense involving lewd or lascivious conduct under
31 Section 272, or any felony violation of Section 288.2; *or any*
32 *statutory predecessor that includes all elements of one of the*
33 *above-mentioned offenses*; or any person who since that date has
34 been or is hereafter convicted of the attempt to commit any of the
35 above-mentioned offenses.

36 (B) Any person who, since July 1, 1944, has been or hereafter
37 is released, discharged, or paroled from a penal institution where
38 he or she was confined because of the commission or attempted
39 commission of one of the offenses described in subparagraph (A).

(C) Any person who, since July 1, 1944, has been or hereafter is determined to be a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code or any person who has been found guilty in the guilt phase of a trial for an offense for which registration is required by this section but who has been found not guilty by reason of insanity in the sanity phase of the trial.

(D) Any person who, since July 1, 1944, has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, would have been punishable as one or more of the offenses described in subparagraph (A) or any person ordered by any other court, including any state, federal, or military court, to register as a sex offender for any offense, if the court found at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification.

(E) Any person ordered by any court to register pursuant to this section for any offense not included specifically in this section if the court finds at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification. The court shall state on the record the reasons for its findings and the reasons for requiring registration.

(F) (i) Notwithstanding any other subdivision, a person who was convicted before January 1, 1976, under subdivision (a) of Section 286, or Section 288a, shall not be required to register pursuant to this section for that conviction if the conviction was for conduct between consenting adults that was decriminalized by Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes of 1976. The Department of Justice shall remove that person from the Sex Offender Registry, and the person is discharged from his or her duty to register pursuant to the following procedure:

(I) The person submits to the Department of Justice official documentary evidence, including court records or police reports, that demonstrate that the person's conviction pursuant to either of those sections was for conduct between consenting adults that was decriminalized; or

1 (II) The person submits to the department a declaration stating
2 that the person's conviction pursuant to either of those sections was
3 for consensual conduct between adults that has been
4 decriminalized. The declaration shall be confidential and not a
5 public record, and shall include the person's name, address,
6 telephone number, date of birth, and a summary of the
7 circumstances leading to the conviction, including the date of the
8 conviction and county of the occurrence.

9 (III) The department shall determine whether the person's
10 conviction was for conduct between consensual adults that has
11 been decriminalized. If the conviction was for consensual conduct
12 between adults that has been decriminalized, and the person has no
13 other offenses for which he or she is required to register pursuant
14 to this section, the department shall, within 60 days of receipt of
15 those documents, notify the person that he or she is relieved of the
16 duty to register, and shall notify the local law enforcement agency
17 with which the person is registered that he or she has been relieved
18 of the duty to register. The local law enforcement agency shall
19 remove the person's registration from its files within 30 days of
20 receipt of notification. If the documentary or other evidence
21 submitted is insufficient to establish the person's claim, the
22 department shall, within 60 days of receipt of those documents,
23 notify the person that his or her claim cannot be established, and
24 that the person shall continue to register pursuant to this section.
25 The department shall provide, upon the person's request, any
26 information relied upon by the department in making its
27 determination that the person shall continue to register pursuant to
28 this section. Any person whose claim has been denied by the
29 department pursuant to this clause may petition the court to appeal
30 the department's denial of the person's claim.

31 (ii) On or before July 1, 1998, the department shall make a
32 report to the Legislature concerning the status of persons who may
33 come under the provisions of this subparagraph, including the
34 number of persons who were convicted before January 1, 1976,
35 under subdivision (a) of Section 286 or Section 288a and are
36 required to register under this section, the average age of these
37 persons, the number of these persons who have any subsequent
38 convictions for a registerable sex offense, and the number of these
39 persons who have sought successfully or unsuccessfully to be
40 relieved of their duty to register under this section.



1 (b) (1) Any person who is released, discharged, or paroled
2 from a jail, state or federal prison, school, road camp, or other
3 institution where he or she was confined because of the
4 commission or attempted commission of one of the offenses
5 specified in subdivision (a) or is released from a state hospital to
6 which he or she was committed as a mentally disordered sex
7 offender under Article 1 (commencing with Section 6300) of
8 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
9 Code, shall, prior to discharge, parole, or release, be informed of
10 his or her duty to register under this section by the official in charge
11 of the place of confinement or hospital, and the official shall
12 require the person to read and sign any form that may be required
13 by the Department of Justice, stating that the duty of the person to
14 register under this section has been explained to the person. The
15 official in charge of the place of confinement or hospital shall
16 obtain the address where the person expects to reside upon his or
17 her discharge, parole, or release and shall report the address to the
18 Department of Justice. The official shall at the same time forward
19 a current photograph of the person to the Department of Justice.

20 (2) The official in charge of the place of confinement or
21 hospital shall give one copy of the form to the person and shall send
22 one copy to the Department of Justice and one copy to the
23 appropriate law enforcement agency or agencies having
24 jurisdiction over the place the person expects to reside upon
25 discharge, parole, or release. If the conviction that makes the
26 person subject to this section is a felony conviction, the official in
27 charge shall, not later than 45 days prior to the scheduled release
28 of the person, send one copy to the appropriate law enforcement
29 agency or agencies having local jurisdiction where the person
30 expects to reside upon discharge, parole, or release; one copy to the
31 prosecuting agency that prosecuted the person; and one copy to the
32 Department of Justice. The official in charge of the place of
33 confinement or hospital shall retain one copy.

34 (c) (1) Any person who is convicted in this state of the
35 commission or attempted commission of any of the offenses
36 specified in subdivision (a) and who is released on probation, shall,
37 prior to release or discharge, be informed of the duty to register
38 under this section by the probation department, and a probation
39 officer shall require the person to read and sign any form that may
40 be required by the Department of Justice, stating that the duty of



1 the person to register under this section has been explained to him
2 or her. The probation officer shall obtain the address where the
3 person expects to reside upon release or discharge and shall report
4 within three days the address to the Department of Justice. The
5 probation officer shall give one copy of the form to the person,
6 send one copy to the Department of Justice, and forward one copy
7 to the appropriate law enforcement agency or agencies having
8 local jurisdiction where the person expects to reside upon his or her
9 discharge, parole, or release.

10 (2) Any person who is convicted in this state of the commission
11 or attempted commission of any of the offenses specified in
12 subdivision (a) and who is granted conditional release without
13 supervised probation, or discharged upon payment of a fine, shall,
14 prior to release or discharge, be informed of the duty to register
15 under this section in open court by the court in which the person
16 has been convicted, and the court shall require the person to read
17 and sign any form that may be required by the Department of
18 Justice, stating that the duty of the person to register under this
19 section has been explained to him or her. If the court finds that it
20 is in the interest of the efficiency of the court, the court may assign
21 the bailiff to require the person to read and sign forms under this
22 section. The court shall obtain the address where the person
23 expects to reside upon release or discharge and shall report within
24 three days the address to the Department of Justice. The court shall
25 give one copy of the form to the person, send one copy to the
26 Department of Justice, and forward one copy to the appropriate
27 law enforcement agency or agencies having local jurisdiction
28 where the person expects to reside upon his or her discharge,
29 parole, or release.

30 (d) (1) Any person who, on or after January 1, 1986, is
31 discharged or paroled from the Department of the Youth Authority
32 to the custody of which he or she was committed after having been
33 adjudicated a ward of the juvenile court pursuant to Section 602
34 of the Welfare and Institutions Code because of the commission or
35 attempted commission of any offense described in paragraph (3)
36 shall be subject to registration under the procedures of this section.

37 (2) Any person who is discharged or paroled from a facility in
38 another state that is equivalent to the Department of the Youth
39 Authority, to the custody of which he or she was committed
40 because of an offense which, if committed or attempted in this

1 state, would have been punishable as one or more of the offenses
2 described in paragraph (3), shall be subject to registration under
3 the procedures of this section.

4 (3) Any person described in this subdivision who committed an
5 offense in violation of any of the following provisions shall be
6 required to register pursuant to this section:

7 (A) Assault with intent to commit rape, sodomy, oral
8 copulation, or any violation of Section 264.1, 288, or 289 under
9 Section 220.

10 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
11 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
12 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
13 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)
14 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of
15 Section 289, or Section 647.6.

16 (C) A violation of Section 207 or 209 committed with the intent
17 to violate Section 261, 286, 288, 288a, or 289.

18 (4) Prior to discharge or parole from the Department of the
19 Youth Authority, any person who is subject to registration under
20 this subdivision shall be informed of the duty to register under the
21 procedures set forth in this section. Department of the Youth
22 Authority officials shall transmit the required forms and
23 information to the Department of Justice.

24 (5) All records specifically relating to the registration in the
25 custody of the Department of Justice, law enforcement agencies,
26 and other agencies or public officials shall be destroyed when the
27 person who is required to register has his or her records sealed
28 under the procedures set forth in Section 781 of the Welfare and
29 Institutions Code. This subdivision shall not be construed as
30 requiring the destruction of other criminal offender or juvenile
31 records relating to the case that are maintained by the Department
32 of Justice, law enforcement agencies, the juvenile court, or other
33 agencies and public officials unless ordered by a court under
34 Section 781 of the Welfare and Institutions Code.

35 (e) (1) On or after January 1, 1998, upon incarceration,
36 placement, or commitment, or prior to release on probation, any
37 person who is required to register under this section shall
38 preregister. The preregistering official shall be the admitting
39 officer at the place of incarceration, placement, or commitment, or

1 the probation officer if the person is to be released on probation.
2 The preregistration shall consist of ~~both~~ *all* of the following:

3 (A) A preregistration statement in writing, signed by the
4 person, giving information that shall be required by the
5 Department of Justice.

6 (B) The fingerprints and a current photograph of the person.

7 (C) Any person who is preregistered pursuant to this
8 subdivision is required to be preregistered only once.

9 (2) A person described in paragraph (2) of subdivision (a) shall
10 register, or reregister if the person has previously registered, upon
11 release from incarceration, placement, or commitment, pursuant
12 to paragraph (1) of subdivision (a). The registration shall consist
13 of all of the following:

14 (A) A statement in writing signed by the person, giving
15 information as shall be required by the Department of Justice and
16 giving the name and address of the person's employer, and the
17 address of the person's place of employment if that is different
18 from the employer's main address.

19 (B) The fingerprints and a current photograph of the person
20 taken by the registering official.

21 (C) The license plate number of any vehicle owned by,
22 regularly driven by, or registered in the name of the person.

23 (D) Notice to the person that, in addition to the requirements of
24 paragraph (4), he or she may have a duty to register in any other
25 state where he or she may relocate.

26 (E) Copies of adequate proof of residence, which shall be
27 limited to a California driver's license, California identification
28 card, recent rent or utility receipt, printed personalized checks or
29 other recent banking documents showing that person's name and
30 address, or any other information that the registering official
31 believes is reliable. If the person has no residence and no
32 reasonable expectation of obtaining a residence in the foreseeable
33 future, the person shall so advise the registering official and shall
34 sign a statement provided by the registering official stating that
35 fact. Upon presentation of proof of residence to the registering
36 official or a signed statement that the person has no residence, the
37 person shall be allowed to register. If the person claims that he or
38 she has a residence but does not have any proof of residence, he or
39 she shall be allowed to register but shall furnish proof of residence
40 within 30 days of the day he or she is allowed to register.

(3) Within three days thereafter, the preregistering official or the registering law enforcement agency or agencies shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice.

(f) (1) If any person who is required to register pursuant to this section changes his or her residence address or location, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside or outside the state, the person shall inform, in writing within five working days, the law enforcement agency or agencies with which he or she last registered of the new address or location. The law enforcement agency or agencies shall, within three *working* days after receipt of this information, forward a copy of the change of address or location information to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency or agencies having local jurisdiction of the new place of residence or location.

(2) If the person's new address is in a Department of the Youth Authority facility or a state prison or state mental institution, an official of the place of incarceration, placement, or commitment shall, within 90 days of receipt of the person, forward the registrant's change of address information to the Department of Justice. The agency need not provide a physical address for the registrant but shall indicate that he or she is serving a period of incarceration or commitment in a facility under the agency's jurisdiction. This paragraph shall apply to persons received in a Department of the Youth Authority facility or a state prison or state mental institution on or after January 1, 1999. The Department of Justice shall forward the change of address information to the agency with which the person last registered.

(3) If any person who is required to register pursuant to this section changes his or her name, the person shall inform, in person, the law enforcement agency or agencies with which he or she is currently registered within five working days. The law enforcement agency or agencies shall forward a copy of this information to the Department of Justice within three *working* days of its receipt.

(g) (1) Any person who is required to register under this section based on a misdemeanor conviction or juvenile adjudication who willfully violates any requirement of this section

1 is guilty of a misdemeanor punishable by imprisonment in a
2 county jail not exceeding one year.

3 (2) Except as provided in paragraphs (5) and (7), any person
4 who is required to register under this section based on a felony
5 conviction or juvenile adjudication who willfully violates any
6 requirement of this section or who has a prior conviction or
7 juvenile adjudication for the offense of failing to register under this
8 section and who subsequently and willfully violates any
9 requirement of this section is guilty of a felony and shall be
10 punished by imprisonment in the state prison for 16 months, or two
11 or three years.

12 If probation is granted or if the imposition or execution of
13 sentence is suspended, it shall be a condition of the probation or
14 suspension that the person serve at least 90 days in a county jail.
15 The penalty described in this paragraph shall apply whether or not
16 the person has been released on parole or has been discharged from
17 parole.

18 (3) Any person determined to be a mentally disordered sex
19 offender or who has been found guilty in the guilt phase of trial for
20 an offense for which registration is required under this section, but
21 who has been found not guilty by reason of insanity in the sanity
22 phase of the trial, or who has had a petition sustained in a juvenile
23 adjudication for an offense for which registration is required under
24 this section pursuant to subdivision (d), but who has been found
25 not guilty by reason of insanity, who willfully violates any
26 requirement of this section is guilty of a misdemeanor and shall be
27 punished by imprisonment in a county jail not exceeding one year.
28 For any second or subsequent willful violation of any requirement
29 of this section, the person is guilty of a felony and shall be punished
30 by imprisonment in the state prison for 16 months, or two or three
31 years.

32 (4) If, after discharge from parole, the person is convicted of a
33 felony or suffers a juvenile adjudication as specified in this
34 subdivision, he or she shall be required to complete parole of at
35 least one year, in addition to any other punishment imposed under
36 this subdivision. A person convicted of a felony as specified in this
37 subdivision may be granted probation only in the unusual case
38 where the interests of justice would best be served. When
39 probation is granted under this paragraph, the court shall specify
40 on the record and shall enter into the minutes the circumstances

1 indicating that the interests of justice would best be served by the
2 disposition.

3 (5) Any person who has ever been adjudicated a sexually
4 violent predator, as defined in Section 6600 of the Welfare and
5 Institutions Code, and who fails to verify his or her registration
6 every 90 days as required pursuant to subparagraph (E) of
7 paragraph (1) of subdivision (a), shall be punished by
8 imprisonment in the state prison, or in a county jail not exceeding
9 one year.

10 (6) Except as otherwise provided in paragraph (5), and in
11 addition to any other penalty imposed under this subdivision, any
12 person who is required pursuant to subparagraph (C) of paragraph
13 (1) of subdivision (a) to update his or her registration every 60 days
14 and willfully fails to update his or her registration is guilty of a
15 misdemeanor and shall be punished by imprisonment in a county
16 jail not exceeding six months. Any subsequent violation of this
17 requirement that persons described in subparagraph (C) of
18 paragraph (1) of subdivision (a) shall update their registration
19 every 60 days is also a misdemeanor and shall be punished by
20 imprisonment in a county jail not exceeding six months.

21 (7) Any person who fails to provide proof of residence as
22 required by subparagraph (E) of paragraph (2) of subdivision (e),
23 regardless of the offense upon which the duty to register is based,
24 is guilty of a misdemeanor punishable by imprisonment in a
25 county jail not exceeding six months.

26 (8) Any person who is required to register under this section
27 who willfully violates any requirement of this section is guilty of
28 a continuing offense.

29 (h) Whenever any person is released on parole or probation and
30 is required to register under this section but fails to do so within
31 the time prescribed, the parole authority, the Youthful Offender
32 Parole Board, or the court, as the case may be, shall order the
33 parole or probation of the person revoked. For purposes of this
34 subdivision, "parole authority" has the same meaning as
35 described in Section 3000.

36 (i) Except as provided in ~~subdivisions (m) and (n) and Section~~
37 ~~290.4 Sections 290.4 and 290.45~~, the statements, photographs,
38 and fingerprints required by this section shall not be open to
39 inspection by the public or by any person other than a regularly
40 employed peace officer or other law enforcement officer.

1 (j) In any case in which a person who would be required to
2 register pursuant to this section for a felony conviction is to be
3 temporarily sent outside the institution where he or she is confined
4 on any assignment within a city or county including firefighting,
5 disaster control, or of whatever nature the assignment may be, the
6 local law enforcement agency having jurisdiction over the place
7 or places where the assignment shall occur shall be notified within
8 a reasonable time prior to removal from the institution. This
9 subdivision shall not apply to any person who is temporarily
10 released under guard from the institution where he or she is
11 confined.

12 (k) As used in this section, “mentally disordered sex offender”
13 includes any person who has been determined to be a sexual
14 psychopath or a mentally disordered sex offender under any
15 provision which, on or before January 1, 1976, was contained in
16 Division 6 (commencing with Section 6000) of the Welfare and
17 Institutions Code.

18 (l) (1) Every person who, prior to January 1, 1997, is required
19 to register under this section, shall be notified whenever he or she
20 next reregisters of the reduction of the registration period from 14
21 to five working days. This notice shall be provided in writing by
22 the registering agency or agencies. Failure to receive this
23 notification shall be a defense against the penalties prescribed by
24 subdivision (g) if the person did register within 14 days.

25 (2) Every person who, as a sexually violent predator, as defined
26 in Section 6600 of the Welfare and Institutions Code, is required
27 to verify his or her registration every 90 days, shall be notified
28 wherever he or she next registers of his or her increased
29 registration obligations. This notice shall be provided in writing by
30 the registering agency or agencies. Failure to receive this notice
31 shall be a defense against the penalties prescribed by paragraph (5)
32 of subdivision (g).

33 (m) ~~(1) When a peace officer reasonably suspects, based on~~
34 ~~information that has come to his or her attention through~~
35 ~~information provided by any peace officer or member of the~~
36 ~~public, that a child or other person may be at risk from a sex~~
37 ~~offender convicted of a crime listed in paragraph (1) of subdivision~~
38 ~~(a) of Section 290.4, a law enforcement agency may,~~
39 ~~notwithstanding any other provision of law, provide any of the~~
40 ~~information specified in paragraph (4) of this subdivision about~~



1 ~~that registered sex offender that the agency deems relevant and~~
2 ~~necessary to protect the public, to the following persons, agencies,~~
3 ~~or organizations the offender is likely to encounter, including, but~~
4 ~~not limited to, the following:~~

5 ~~(A) Public and private educational institutions, day care~~
6 ~~establishments, and establishments and organizations that~~
7 ~~primarily serve individuals likely to be victimized by the offender.~~

8 ~~(B) Other community members at risk.~~

9 ~~(2) The law enforcement agency may authorize persons and~~
10 ~~entities who receive the information pursuant to paragraph (1) to~~
11 ~~disclose information to additional persons only if the agency does~~
12 ~~the following:~~

13 ~~(A) Determines that all conditions set forth in paragraph (1)~~
14 ~~have been satisfied regarding disclosure to the additional persons.~~

15 ~~(B) Identifies the appropriate scope of further disclosure.~~

16 ~~(3) Persons notified pursuant to paragraph (1) may disclose the~~
17 ~~information provided by the law enforcement agency in the~~
18 ~~manner and to the extent authorized by the law enforcement~~
19 ~~agency.~~

20 ~~(4) The information that may be disclosed pursuant to this~~
21 ~~section includes the following:~~

22 ~~(A) The offender's full name.~~

23 ~~(B) The offender's known aliases.~~

24 ~~(C) The offender's gender.~~

25 ~~(D) The offender's race.~~

26 ~~(E) The offender's physical description.~~

27 ~~(F) The offender's photograph.~~

28 ~~(G) The offender's date of birth.~~

29 ~~(H) Crimes resulting in registration under this section.~~

30 ~~(I) The offender's address, which must be verified prior to~~
31 ~~publication.~~

32 ~~(J) Description and license plate number of offender's vehicles~~
33 ~~or vehicles the offender is known to drive.~~

34 ~~(K) Type of victim targeted by the offender.~~

35 ~~(L) Relevant parole or probation conditions, such as one~~
36 ~~prohibiting contact with children.~~

37 ~~(M) Dates of crimes resulting in classification under this~~
38 ~~section.~~

39 ~~(N) Date of release from confinement.~~

~~(O) The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.~~

~~However, information disclosed pursuant to this subdivision shall not include information that would identify the victim.~~

~~(5) If a law enforcement agency discloses information pursuant to this subdivision, it shall include, with the disclosure, a statement that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.~~

~~(6) For purposes of this section, "likely to encounter" means both of the following:~~

~~(A) That the agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis.~~

~~(B) The types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.~~

~~(7) For purposes of this section, "reasonably suspects" means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.~~

~~(8) For purposes of this section, "at risk" means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.~~

~~(9) A law enforcement agency may continue to disclose information on an offender under this subdivision for as long as the offender is included in Section 290.4.~~

~~(n) In addition to the procedures set forth elsewhere in this section, a designated law enforcement entity may advise the public of the presence of high-risk sex offenders in its community pursuant to this subdivision.~~

~~(1) For purposes of this subdivision:~~

~~(A) A high-risk sex offender is a person who has been convicted of an offense specified in paragraph (1) of subdivision (a) of Section 290.4, and also meets one of the following criteria:~~

~~(i) Has been convicted of three or more violent sex offenses, at least two of which were brought and tried separately.~~

1 ~~(ii) Has been convicted of two violent sex offenses and one or~~
2 ~~more violent nonsex offenses, at least two of which were brought~~
3 ~~and tried separately.~~

4 ~~(iii) Has been convicted of one violent sex offense and two or~~
5 ~~more violent nonsex offenses, at least two of which were brought~~
6 ~~and tried separately.~~

7 ~~(iv) Has been convicted of either two violent sex offenses or~~
8 ~~one violent sex offense and one violent nonsex offense, at least two~~
9 ~~of which were brought and tried separately, and has been arrested~~
10 ~~on separate occasions for three or more violent sex offenses,~~
11 ~~violent nonsex offenses, or associated offenses.~~

12 ~~(v) Has been adjudicated a sexually violent predator pursuant~~
13 ~~to Article 4 (commencing with Section 6600) of Chapter 2 of Part~~
14 ~~2 of Division 6 of the Welfare and Institutions Code.~~

15 ~~(B) A violent sex offense means any offense defined in Section~~
16 ~~220, except attempt to commit mayhem, or Section 261, 264.1,~~
17 ~~286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily~~
18 ~~injury during the commission of a sex offense, as provided in~~
19 ~~Section 12022.8.~~

20 ~~(C) A violent nonsex offense means any offense defined in~~
21 ~~Section 187, subdivision (a) of Section 192, or Section 203, 206,~~
22 ~~207, or 236, provided that the offense is a felony, subdivision (a)~~
23 ~~of Section 273a, Section 273d or 451, or attempted murder, as~~
24 ~~defined in Sections 187 and 664.~~

25 ~~(D) An associated offense means any offense defined in~~
26 ~~Section 243.4, provided that the offense is a felony, Section 311.1,~~
27 ~~311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459,~~
28 ~~provided the offense is of the first degree, Section 597 or 646.9,~~
29 ~~subdivision (d), (h), or (i) of Section 647, Section 653m, or~~
30 ~~infliction of great bodily injury during the commission of a felony,~~
31 ~~as defined in Section 12022.7.~~

32 ~~(E) For purposes of subparagraphs (B) to (D), inclusive, an~~
33 ~~arrest or conviction for the statutory predecessor of any of the~~
34 ~~enumerated offenses, or an arrest or conviction in any other~~
35 ~~jurisdiction for any offense that, if committed or attempted in this~~
36 ~~state, would have been punishable as one or more of the offenses~~
37 ~~described in those subparagraphs, is to be considered in~~
38 ~~determining whether an offender is a high-risk sex offender.~~

39 ~~(F) For purposes of subparagraphs (B) to (D), inclusive, an~~
40 ~~arrest as a juvenile or an adjudication as a ward of the juvenile~~

1 court within the meaning of Section 602 of the Welfare and
2 Institutions Code for any of the offenses described in those
3 subparagraphs is to be considered in determining whether an
4 offender is a high-risk sex offender.

5 (G) Notwithstanding subparagraphs (A) to (D), inclusive, an
6 offender shall not be considered to be a high-risk sex offender if
7 either of the following apply:

8 (i) The offender's most recent conviction or arrest for an
9 offense described in subparagraphs (B) to (D), inclusive, occurred
10 more than five years prior to the high-risk assessment by the
11 Department of Justice, excluding periods of confinement.

12 (ii) The offender notifies the Department of Justice, on a form
13 approved by the department and available at any sheriff's office,
14 that he or she has not been convicted in the preceding 15 years,
15 excluding periods of confinement, of an offense for which
16 registration is required under paragraph (2) of subdivision (a), and
17 the department is able, upon exercise of reasonable diligence, to
18 verify the information provided in paragraph (2).

19 (H) "Confinement" means confinement in a jail, prison,
20 school, road camp, or other penal institution, confinement in a
21 state hospital to which the offender was committed as a mentally
22 disordered sex offender under Article 1 (commencing with
23 Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare
24 and Institutions Code, or confinement in a facility designated by
25 the Director of Mental Health to which the offender was
26 committed as a sexually violent predator under Article 4
27 (commencing with Section 6600) of Chapter 2 of Part 2 of
28 Division 6 of the Welfare and Institutions Code.

29 (I) "Designated law enforcement entity" means any of the
30 following: municipal police department; sheriff's department;
31 district attorney's office; county probation department;
32 Department of Justice; Department of Corrections; Department of
33 the Youth Authority; Department of the California Highway
34 Patrol; or the police department of any campus of the University
35 of California, California State University, or community college.

36 (2) The Department of Justice shall continually search the
37 records provided to it pursuant to subdivision (b) and identify, on
38 the basis of those records, high-risk sex offenders. Four times each
39 year, the department shall provide to each chief of police and
40 sheriff in the state, and to any other designated law enforcement

1 ~~entity upon request, the following information regarding each~~
2 ~~identified high-risk sex offender: full name; known aliases;~~
3 ~~gender; race; physical description; photograph; date of birth; and~~
4 ~~crimes resulting in classification under this section.~~

5 ~~(3) The Department of Justice and any designated law~~
6 ~~enforcement entity to which notice has been given pursuant to~~
7 ~~paragraph (2) may cause to be made public, by whatever means the~~
8 ~~agency deems necessary to ensure the public safety, based upon~~
9 ~~information available to the agency concerning a specific person;~~
10 ~~including, but not limited to, the information described in~~
11 ~~paragraph (2); the offender's address, which shall be verified prior~~
12 ~~to publication; description and license plate number of the~~
13 ~~offender's vehicles or vehicles the offender is known to drive; type~~
14 ~~of victim targeted by the offender; relevant parole or probation~~
15 ~~conditions, such as one prohibiting contact with children; dates of~~
16 ~~crimes resulting in classification under this section; and date of~~
17 ~~release from confinement; but excluding information that would~~
18 ~~identify the victim.~~

19 ~~(4) Notwithstanding any other provision of law, any person~~
20 ~~described in paragraph (2) of subdivision (p) who receives~~
21 ~~information from a designated law enforcement entity pursuant to~~
22 ~~paragraph (3) may disclose that information in the manner and to~~
23 ~~the extent authorized by the law enforcement entity.~~

24 ~~(5) The law enforcement agency may authorize persons and~~
25 ~~entities who receive the information pursuant to paragraph (3) to~~
26 ~~disclose information to additional persons only if the agency does~~
27 ~~the following:~~

28 ~~(A) Determines that all conditions set forth in this subdivision~~
29 ~~have been satisfied regarding disclosure to the additional persons.~~

30 ~~(B) Identifies the appropriate scope of further disclosure.~~

31 ~~(e) Agencies disseminating information to the public pursuant~~
32 ~~to Section 290.4 shall maintain records of those persons requesting~~
33 ~~to view the CD-ROM or other electronic media for a minimum of~~
34 ~~five years. Agencies disseminating information to the public~~
35 ~~pursuant to subdivision (n) shall maintain records of the means and~~
36 ~~dates of dissemination for a minimum of five years.~~

37 ~~(p) (1) Any law enforcement agency and employees of any~~
38 ~~law enforcement agency shall be immune from liability for good~~
39 ~~faith conduct under this section. For the purposes of this section,~~
40 ~~“law enforcement agency” means the Attorney General of~~

1 California, every district attorney, the Department of Corrections,
2 the Department of the Youth Authority, and every state or local
3 agency expressly authorized by statute to investigate or prosecute
4 law violators.

5 ~~(2) Any public or private educational institution, day care~~
6 ~~facility, or any child care custodian described in Section 11165.7,~~
7 ~~or any employee of a public or private educational institution or~~
8 ~~day care facility which in good faith disseminates information as~~
9 ~~authorized pursuant to paragraph (3) of subdivision (m) or~~
10 ~~paragraph (4) of subdivision (n) that is provided by a law~~
11 ~~enforcement agency or an employee of a law enforcement agency~~
12 ~~shall be immune from civil liability.~~

13 ~~(q) (1) Any person who uses information disclosed pursuant to~~
14 ~~this section to commit a felony shall be punished, in addition and~~
15 ~~consecutive to any other punishment, by a five-year term of~~
16 ~~imprisonment in the state prison.~~

17 ~~(2) Any person who uses information disclosed pursuant to this~~
18 ~~section to commit a misdemeanor shall be subject to, in addition~~
19 ~~to any other penalty or fine imposed, a fine of not less than five~~
20 ~~hundred dollars (\$500) and not more than one thousand dollars~~
21 ~~(\$1,000).~~

22 ~~(r) The registration and public notification~~ *The registration*
23 *provisions of this section are applicable to every person described*
24 *in this section, without regard to when his or her crimes were*
25 *committed or his or her duty to register pursuant to this section*
26 *arose, and to every offense described in this section, regardless of*
27 *when it was committed.*

28 *SEC. 1.2. Section 290 of the Penal Code is amended to read:*

29 290. (a) (1) (A) Every person described in paragraph (2),
30 for the rest of his or her life while residing in, or, if he or she has
31 no residence, while located within California, or while attending
32 school or working in California, as described in subparagraph (G),
33 shall be required to register with the chief of police of the city in
34 which he or she is residing, or if he or she has no residence, is
35 located, or the sheriff of the county if he or she is residing, or if he
36 or she has no residence, is located, in an unincorporated area or city
37 that has no police department, and, additionally, with the chief of
38 police of a campus of the University of California, the California
39 State University, or community college if he or she is residing, or
40 if he or she has no residence, is located upon the campus or in any

1 of its facilities, within five working days of coming into, or
2 changing his or her residence or location within, any city, county,
3 or city and county, or campus in which he or she temporarily
4 resides, or, if he or she has no residence, is located.

5 (B) If the person who is registering has more than one residence
6 address or location at which he or she regularly resides or is
7 located, he or she shall register in accordance with subparagraph
8 (A) in each of the jurisdictions in which he or she regularly resides
9 or is located. If all of the addresses or locations are within the same
10 jurisdiction, the person shall provide the registering authority with
11 all of the addresses or locations where he or she regularly resides
12 or is located.

13 (C) If the person who is registering has no residence address,
14 he or she shall update his or her registration no less than once every
15 60 days in addition to the requirement in subparagraph (A), on a
16 form as may be required by the Department of Justice, with the
17 entity or entities described in subparagraph (A) in whose
18 jurisdiction he or she is located at the time he or she is updating the
19 registration.

20 (D) Beginning on his or her first birthday following
21 registration or change of address, the person shall be required to
22 register annually, within five working days of his or her birthday,
23 to update his or her registration with the entities described in
24 subparagraph (A). At the annual update, the person shall provide
25 current information as required on the Department of Justice
26 annual update form, including the information described in
27 subparagraphs (A) to (C), inclusive, of paragraph (2) of
28 subdivision (e).

29 (E) In addition, every person who has ever been adjudicated a
30 sexually violent predator, as defined in Section 6600 of the
31 Welfare and Institutions Code, shall, after his or her release from
32 custody, verify his or her address no less than once every 90 days
33 and place of employment, including the name and address of the
34 employer, in a manner established by the Department of Justice.

35 (F) No entity shall require a person to pay a fee to register or
36 update his or her registration pursuant to this section. The
37 registering agency shall submit registrations, including annual
38 updates or changes of address, directly into the Department of
39 Justice Violent Crime Information Network (VCIN).

1 (G) Persons required to register in their state of residence who
2 are out-of-state residents employed, or carrying on a vocation in
3 California on a full-time or part-time basis, with or without
4 compensation, for more than 14 days, or for an aggregate period
5 exceeding 30 days in a calendar year, shall register in accordance
6 with subparagraph (A). Persons described in paragraph (2) who
7 are out-of-state residents enrolled in any educational institution in
8 California, as defined in Section 22129 of the Education Code, on
9 a full-time or part-time basis, shall register in accordance with
10 subparagraph (A). The place where the out-of-state resident is
11 located, for purposes of registration, shall be the place where the
12 person is employed, carrying on a vocation, or attending school.
13 The out-of-state resident subject to this subparagraph shall, in
14 addition to the information required pursuant to subdivision (e),
15 provide the registering authority with the name of his or her place
16 of employment or the name of the school attended in California,
17 and his or her address or location in his or her state of residence.
18 The registration requirement for persons subject to this
19 subparagraph shall become operative on November 25, 2000. The
20 terms “employed or carries on a vocation” include employment
21 whether or not financially compensated, volunteered, or
22 performed for government or educational benefit.

23 (2) The following persons shall be required to register pursuant
24 to paragraph (1):

25 (A) Any person who, since July 1, 1944, has been or is hereafter
26 convicted in any court in this state or in any federal or military
27 court of a violation of Section 207 or 209 committed with intent
28 to violate Section 261, 286, 288, 288a, or 289, Section 220, except
29 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),
30 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of
31 subdivision (a) of Section 262 involving the use of force or
32 violence for which the person is sentenced to the state prison,
33 Section 264.1, 266, 266c, subdivision (b) of Section 266h,
34 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,
35 288a, 288.5, or 289, *Section 311.1*, subdivision (b), (c), or (d) of
36 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,
37 former Section 647a, subdivision (c) of Section 653f, subdivision
38 1 or 2 of Section 314, any offense involving lewd or lascivious
39 conduct under Section 272, or any felony violation of Section
40 288.2; *or any statutory predecessor that includes all elements of*

1 *one of the above-mentioned offenses*; or any person who since that
2 date has been or is hereafter convicted of the attempt to commit any
3 of the above-mentioned offenses.

4 (B) Any person who, since July 1, 1944, has been or hereafter
5 is released, discharged, or paroled from a penal institution where
6 he or she was confined because of the commission or attempted
7 commission of one of the offenses described in subparagraph (A).

8 (C) Any person who, since July 1, 1944, has been or hereafter
9 is determined to be a mentally disordered sex offender under
10 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2
11 of Division 6 of the Welfare and Institutions Code or any person
12 who has been found guilty in the guilt phase of a trial for an offense
13 for which registration is required by this section but who has been
14 found not guilty by reason of insanity in the sanity phase of the
15 trial.

16 (D) Any person who, since July 1, 1944, has been, or is
17 hereafter convicted in any other court, including any state, federal,
18 or military court, of any offense that, if committed or attempted in
19 this state, would have been punishable as one or more of the
20 offenses described in subparagraph (A) or any person ordered by
21 any other court, including any state, federal, or military court, to
22 register as a sex offender for any offense, if the court found at the
23 time of conviction or sentencing that the person committed the
24 offense as a result of sexual compulsion or for purposes of sexual
25 gratification.

26 (E) Any person ordered by any court to register pursuant to this
27 section for any offense not included specifically in this section if
28 the court finds at the time of conviction or sentencing that the
29 person committed the offense as a result of sexual compulsion or
30 for purposes of sexual gratification. The court shall state on the
31 record the reasons for its findings and the reasons for requiring
32 registration.

33 (F) (i) Notwithstanding any other subdivision, a person who
34 was convicted before January 1, 1976, under subdivision (a) of
35 Section 286, or Section 288a, shall not be required to register
36 pursuant to this section for that conviction if the conviction was for
37 conduct between consenting adults that was decriminalized by
38 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes
39 of 1976. The Department of Justice shall remove that person from



1 the Sex Offender Registry, and the person is discharged from his
2 or her duty to register pursuant to the following procedure:

3 (I) The person submits to the Department of Justice official
4 documentary evidence, including court records or police reports,
5 that demonstrate that the person's conviction pursuant to either of
6 those sections was for conduct between consenting adults that was
7 decriminalized; or

8 (II) The person submits to the department a declaration stating
9 that the person's conviction pursuant to either of those sections was
10 for consensual conduct between adults that has been
11 decriminalized. The declaration shall be confidential and not a
12 public record, and shall include the person's name, address,
13 telephone number, date of birth, and a summary of the
14 circumstances leading to the conviction, including the date of the
15 conviction and county of the occurrence.

16 (III) The department shall determine whether the person's
17 conviction was for conduct between consensual adults that has
18 been decriminalized. If the conviction was for consensual conduct
19 between adults that has been decriminalized, and the person has no
20 other offenses for which he or she is required to register pursuant
21 to this section, the department shall, within 60 days of receipt of
22 those documents, notify the person that he or she is relieved of the
23 duty to register, and shall notify the local law enforcement agency
24 with which the person is registered that he or she has been relieved
25 of the duty to register. The local law enforcement agency shall
26 remove the person's registration from its files within 30 days of
27 receipt of notification. If the documentary or other evidence
28 submitted is insufficient to establish the person's claim, the
29 department shall, within 60 days of receipt of those documents,
30 notify the person that his or her claim cannot be established, and
31 that the person shall continue to register pursuant to this section.
32 The department shall provide, upon the person's request, any
33 information relied upon by the department in making its
34 determination that the person shall continue to register pursuant to
35 this section. Any person whose claim has been denied by the
36 department pursuant to this clause may petition the court to appeal
37 the department's denial of the person's claim.

38 (ii) On or before July 1, 1998, the department shall make a
39 report to the Legislature concerning the status of persons who may
40 come under the provisions of this subparagraph, including the

1 number of persons who were convicted before January 1, 1976,
2 under subdivision (a) of Section 286 or Section 288a and are
3 required to register under this section, the average age of these
4 persons, the number of these persons who have any subsequent
5 convictions for a registerable sex offense, and the number of these
6 persons who have sought successfully or unsuccessfully to be
7 relieved of their duty to register under this section.

8 (b) (1) Any person who is released, discharged, or paroled
9 from a jail, state or federal prison, school, road camp, or other
10 institution where he or she was confined because of the
11 commission or attempted commission of one of the offenses
12 specified in subdivision (a) or is released from a state hospital to
13 which he or she was committed as a mentally disordered sex
14 offender under Article 1 (commencing with Section 6300) of
15 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
16 Code, shall, prior to discharge, parole, or release, be informed of
17 his or her duty to register under this section by the official in charge
18 of the place of confinement or hospital, and the official shall
19 require the person to read and sign any form that may be required
20 by the Department of Justice, stating that the duty of the person to
21 register under this section has been explained to the person. The
22 official in charge of the place of confinement or hospital shall
23 obtain the address where the person expects to reside upon his or
24 her discharge, parole, or release and shall report the address to the
25 Department of Justice. The official shall at the same time forward
26 a current photograph of the person to the Department of Justice.

27 (2) The official in charge of the place of confinement or
28 hospital shall give one copy of the form to the person and shall send
29 one copy to the Department of Justice and one copy to the
30 appropriate law enforcement agency or agencies having
31 jurisdiction over the place the person expects to reside upon
32 discharge, parole, or release. If the conviction that makes the
33 person subject to this section is a felony conviction, the official in
34 charge shall, not later than 45 days prior to the scheduled release
35 of the person, send one copy to the appropriate law enforcement
36 agency or agencies having local jurisdiction where the person
37 expects to reside upon discharge, parole, or release; one copy to the
38 prosecuting agency that prosecuted the person; and one copy to the
39 Department of Justice. The official in charge of the place of
40 confinement or hospital shall retain one copy.



1 (c) (1) Any person who is convicted in this state of the
2 commission or attempted commission of any of the offenses
3 specified in subdivision (a) and who is released on probation, shall,
4 prior to release or discharge, be informed of the duty to register
5 under this section by the probation department, and a probation
6 officer shall require the person to read and sign any form that may
7 be required by the Department of Justice, stating that the duty of
8 the person to register under this section has been explained to him
9 or her. The probation officer shall obtain the address where the
10 person expects to reside upon release or discharge and shall report
11 within three days the address to the Department of Justice. The
12 probation officer shall give one copy of the form to the person,
13 send one copy to the Department of Justice, and forward one copy
14 to the appropriate law enforcement agency or agencies having
15 local jurisdiction where the person expects to reside upon his or her
16 discharge, parole, or release.

17 (2) Any person who is convicted in this state of the commission
18 or attempted commission of any of the offenses specified in
19 subdivision (a) and who is granted conditional release without
20 supervised probation, or discharged upon payment of a fine, shall,
21 prior to release or discharge, be informed of the duty to register
22 under this section in open court by the court in which the person
23 has been convicted, and the court shall require the person to read
24 and sign any form that may be required by the Department of
25 Justice, stating that the duty of the person to register under this
26 section has been explained to him or her. If the court finds that it
27 is in the interest of the efficiency of the court, the court may assign
28 the bailiff to require the person to read and sign forms under this
29 section. The court shall obtain the address where the person
30 expects to reside upon release or discharge and shall report within
31 three days the address to the Department of Justice. The court shall
32 give one copy of the form to the person, send one copy to the
33 Department of Justice, and forward one copy to the appropriate
34 law enforcement agency or agencies having local jurisdiction
35 where the person expects to reside upon his or her discharge,
36 parole, or release.

37 (d) (1) Any person who, on or after January 1, 1986, is
38 discharged or paroled from the Department of the Youth Authority
39 to the custody of which he or she was committed after having been
40 adjudicated a ward of the juvenile court pursuant to Section 602

1 of the Welfare and Institutions Code because of the commission or
2 attempted commission of any offense described in paragraph (3)
3 shall be subject to registration under the procedures of this section.

4 (2) Any person who is discharged or paroled from a facility in
5 another state that is equivalent to the Department of the Youth
6 Authority, to the custody of which he or she was committed
7 because of an offense which, if committed or attempted in this
8 state, would have been punishable as one or more of the offenses
9 described in paragraph (3), shall be subject to registration under
10 the procedures of this section.

11 (3) Any person described in this subdivision who committed an
12 offense in violation of any of the following provisions shall be
13 required to register pursuant to this section:

14 (A) Assault with intent to commit rape, sodomy, oral
15 copulation, or any violation of Section 264.1, 288, or 289 under
16 Section 220.

17 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
18 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
19 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
20 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)
21 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of
22 Section 289, or Section 647.6.

23 (C) A violation of Section 207 or 209 committed with the intent
24 to violate Section 261, 286, 288, 288a, or 289.

25 (4) Prior to discharge or parole from the Department of the
26 Youth Authority, any person who is subject to registration under
27 this subdivision shall be informed of the duty to register under the
28 procedures set forth in this section. Department of the Youth
29 Authority officials shall transmit the required forms and
30 information to the Department of Justice.

31 (5) All records specifically relating to the registration in the
32 custody of the Department of Justice, law enforcement agencies,
33 and other agencies or public officials shall be destroyed when the
34 person who is required to register has his or her records sealed
35 under the procedures set forth in Section 781 of the Welfare and
36 Institutions Code. This subdivision shall not be construed as
37 requiring the destruction of other criminal offender or juvenile
38 records relating to the case that are maintained by the Department
39 of Justice, law enforcement agencies, the juvenile court, or other

1 agencies and public officials unless ordered by a court under
2 Section 781 of the Welfare and Institutions Code.

3 (e) (1) On or after January 1, 1998, upon incarceration,
4 placement, or commitment, or prior to release on probation, any
5 person who is required to register under this section shall
6 preregister. The preregistering official shall be the admitting
7 officer at the place of incarceration, placement, or commitment, or
8 the probation officer if the person is to be released on probation.
9 The preregistration shall consist of ~~both~~ *all* of the following:

10 (A) A preregistration statement in writing, signed by the
11 person, giving information that shall be required by the
12 Department of Justice.

13 (B) The fingerprints and a current photograph of the person.

14 (C) Any person who is preregistered pursuant to this
15 subdivision is required to be preregistered only once.

16 (2) A person described in paragraph (2) of subdivision (a) shall
17 register, or reregister if the person has previously registered, upon
18 release from incarceration, placement, or commitment, pursuant
19 to paragraph (1) of subdivision (a). The registration shall consist
20 of all of the following:

21 (A) A statement in writing signed by the person, giving
22 information as shall be required by the Department of Justice and
23 giving the name and address of the person's employer, and the
24 address of the person's place of employment if that is different
25 from the employer's main address.

26 (B) The fingerprints and a current photograph of the person
27 taken by the registering official.

28 (C) The license plate number of any vehicle owned by,
29 regularly driven by, or registered in the name of the person.

30 (D) Notice to the person that, in addition to the requirements of
31 paragraph (4), he or she may have a duty to register in any other
32 state where he or she may relocate.

33 (E) Copies of adequate proof of residence, which shall be
34 limited to a California driver's license, California identification
35 card, recent rent or utility receipt, printed personalized checks or
36 other recent banking documents showing that person's name and
37 address, or any other information that the registering official
38 believes is reliable. If the person has no residence and no
39 reasonable expectation of obtaining a residence in the foreseeable
40 future, the person shall so advise the registering official and shall

1 sign a statement provided by the registering official stating that
2 fact. Upon presentation of proof of residence to the registering
3 official or a signed statement that the person has no residence, the
4 person shall be allowed to register. If the person claims that he or
5 she has a residence but does not have any proof of residence, he or
6 she shall be allowed to register but shall furnish proof of residence
7 within 30 days of the day he or she is allowed to register.

8 (3) Within three days thereafter, the preregistering official or
9 the registering law enforcement agency or agencies shall forward
10 the statement, fingerprints, photograph, and vehicle license plate
11 number, if any, to the Department of Justice.

12 (f) (1) If any person who is required to register pursuant to this
13 section changes his or her residence address or location, whether
14 within the jurisdiction in which he or she is currently registered or
15 to a new jurisdiction inside or outside the state, the person shall
16 inform, in writing within five working days, the law enforcement
17 agency or agencies with which he or she last registered of the new
18 address or location. The law enforcement agency or agencies shall,
19 within three days after receipt of this information, forward a copy
20 of the change of address or location information to the Department
21 of Justice. The Department of Justice shall forward appropriate
22 registration data to the law enforcement agency or agencies having
23 local jurisdiction of the new place of residence or location.

24 (2) If the person's new address is in a Department of the Youth
25 Authority facility or a state prison or state mental institution, an
26 official of the place of incarceration, placement, or commitment
27 shall, within 90 days of receipt of the person, forward the
28 registrant's change of address information to the Department of
29 Justice. The agency need not provide a physical address for the
30 registrant but shall indicate that he or she is serving a period of
31 incarceration or commitment in a facility under the agency's
32 jurisdiction. This paragraph shall apply to persons received in a
33 Department of the Youth Authority facility or a state prison or state
34 mental institution on or after January 1, 1999. The Department of
35 Justice shall forward the change of address information to the
36 agency with which the person last registered.

37 (3) If any person who is required to register pursuant to this
38 section changes his or her name, the person shall inform, in person,
39 the law enforcement agency or agencies with which he or she is
40 currently registered within five working days. The law

1 enforcement agency or agencies shall forward a copy of this
2 information to the Department of Justice within three days of its
3 receipt.

4 (g) (1) Any person who is required to register under this
5 section based on a misdemeanor conviction or juvenile
6 adjudication who willfully violates any requirement of this section
7 is guilty of a misdemeanor punishable by imprisonment in a
8 county jail not exceeding one year.

9 (2) Except as provided in paragraphs (5) and (7), any person
10 who is required to register under this section based on a felony
11 conviction or juvenile adjudication who willfully violates any
12 requirement of this section or who has a prior conviction or
13 juvenile adjudication for the offense of failing to register under this
14 section and who subsequently and willfully violates any
15 requirement of this section is guilty of a felony and shall be
16 punished by imprisonment in the state prison for 16 months, or two
17 or three years.

18 If probation is granted or if the imposition or execution of
19 sentence is suspended, it shall be a condition of the probation or
20 suspension that the person serve at least 90 days in a county jail.
21 The penalty described in this paragraph shall apply whether or not
22 the person has been released on parole or has been discharged from
23 parole.

24 (3) Any person determined to be a mentally disordered sex
25 offender or who has been found guilty in the guilt phase of trial for
26 an offense for which registration is required under this section, but
27 who has been found not guilty by reason of insanity in the sanity
28 phase of the trial, or who has had a petition sustained in a juvenile
29 adjudication for an offense for which registration is required under
30 this section pursuant to subdivision (d), but who has been found
31 not guilty by reason of insanity, who willfully violates any
32 requirement of this section is guilty of a misdemeanor and shall be
33 punished by imprisonment in a county jail not exceeding one year.
34 For any second or subsequent willful violation of any requirement
35 of this section, the person is guilty of a felony and shall be punished
36 by imprisonment in the state prison for 16 months, or two or three
37 years.

38 (4) If, after discharge from parole, the person is convicted of a
39 felony or suffers a juvenile adjudication as specified in this
40 subdivision, he or she shall be required to complete parole of at



1 least one year, in addition to any other punishment imposed under
2 this subdivision. A person convicted of a felony as specified in this
3 subdivision may be granted probation only in the unusual case
4 where the interests of justice would best be served. When
5 probation is granted under this paragraph, the court shall specify
6 on the record and shall enter into the minutes the circumstances
7 indicating that the interests of justice would best be served by the
8 disposition.

9 (5) Any person who has ever been adjudicated a sexually
10 violent predator, as defined in Section 6600 of the Welfare and
11 Institutions Code, and who fails to verify his or her registration
12 every 90 days as required pursuant to subparagraph (E) of
13 paragraph (1) of subdivision (a), shall be punished by
14 imprisonment in the state prison, or in a county jail not exceeding
15 one year.

16 (6) Except as otherwise provided in paragraph (5), and in
17 addition to any other penalty imposed under this subdivision, any
18 person who is required pursuant to subparagraph (C) of paragraph
19 (1) of subdivision (a) to update his or her registration every 60 days
20 and willfully fails to update his or her registration is guilty of a
21 misdemeanor and shall be punished by imprisonment in a county
22 jail not exceeding six months. Any subsequent violation of this
23 requirement that persons described in subparagraph (C) of
24 paragraph (1) of subdivision (a) shall update their registration
25 every 60 days is also a misdemeanor and shall be punished by
26 imprisonment in a county jail not exceeding six months.

27 (7) Any person who fails to provide proof of residence as
28 required by subparagraph (E) of paragraph (2) of subdivision (e),
29 regardless of the offense upon which the duty to register is based,
30 is guilty of a misdemeanor punishable by imprisonment in a
31 county jail not exceeding six months.

32 (8) Any person who is required to register under this section
33 who willfully violates any requirement of this section is guilty of
34 a continuing offense.

35 (h) Whenever any person is released on parole or probation and
36 is required to register under this section but fails to do so within
37 the time prescribed, the parole authority, the Youthful Offender
38 Parole Board, or the court, as the case may be, shall order the
39 parole or probation of the person revoked. For purposes of this

1 subdivision, “parole authority” has the same meaning as
2 described in Section 3000.

3 (i) Except as provided in ~~subdivisions (m) and (n) and Section~~
4 ~~290.4 Sections 290.4 and 290.45~~, the statements, photographs,
5 and fingerprints required by this section shall not be open to
6 inspection by the public or by any person other than a regularly
7 employed peace officer or other law enforcement officer.

8 (j) In any case in which a person who would be required to
9 register pursuant to this section for a felony conviction is to be
10 temporarily sent outside the institution where he or she is confined
11 on any assignment within a city or county including firefighting,
12 disaster control, or of whatever nature the assignment may be, the
13 local law enforcement agency having jurisdiction over the place
14 or places where the assignment shall occur shall be notified within
15 a reasonable time prior to removal from the institution. This
16 subdivision shall not apply to any person who is temporarily
17 released under guard from the institution where he or she is
18 confined.

19 (k) As used in this section, “mentally disordered sex offender”
20 includes any person who has been determined to be a sexual
21 psychopath or a mentally disordered sex offender under any
22 provision which, on or before January 1, 1976, was contained in
23 Division 6 (commencing with Section 6000) of the Welfare and
24 Institutions Code.

25 (l) (1) Every person who, prior to January 1, 1997, is required
26 to register under this section, shall be notified whenever he or she
27 next reregisters of the reduction of the registration period from 14
28 to five working days. This notice shall be provided in writing by
29 the registering agency or agencies. Failure to receive this
30 notification shall be a defense against the penalties prescribed by
31 subdivision (g) if the person did register within 14 days.

32 (2) Every person who, as a sexually violent predator, as defined
33 in Section 6600 of the Welfare and Institutions Code, is required
34 to verify his or her registration every 90 days, shall be notified
35 wherever he or she next registers of his or her increased
36 registration obligations. This notice shall be provided in writing by
37 the registering agency or agencies. Failure to receive this notice
38 shall be a defense against the penalties prescribed by paragraph (5)
39 of subdivision (g).

1 (m) ~~(1) When a peace officer reasonably suspects, based on~~
2 ~~information that has come to his or her attention through~~
3 ~~information provided by any peace officer or member of the~~
4 ~~public, that a child or other person may be at risk from a sex~~
5 ~~offender convicted of a crime listed in paragraph (1) of subdivision~~
6 ~~(a) of Section 290.4, a law enforcement agency may,~~
7 ~~notwithstanding any other provision of law, provide any of the~~
8 ~~information specified in paragraph (4) of this subdivision about~~
9 ~~that registered sex offender that the agency deems relevant and~~
10 ~~necessary to protect the public, to the following persons, agencies,~~
11 ~~or organizations the offender is likely to encounter, including, but~~
12 ~~not limited to, the following:~~

13 ~~(A) Public and private educational institutions, day care~~
14 ~~establishments, and establishments and organizations that~~
15 ~~primarily serve individuals likely to be victimized by the offender.~~

16 ~~(B) Other community members at risk.~~

17 ~~(2) The law enforcement agency may authorize persons and~~
18 ~~entities who receive the information pursuant to paragraph (1) to~~
19 ~~disclose information to additional persons only if the agency does~~
20 ~~the following:~~

21 ~~(A) Determines that all conditions set forth in paragraph (1)~~
22 ~~have been satisfied regarding disclosure to the additional persons.~~

23 ~~(B) Identifies the appropriate scope of further disclosure.~~

24 ~~(3) Persons notified pursuant to paragraph (1) may disclose the~~
25 ~~information provided by the law enforcement agency in the~~
26 ~~manner and to the extent authorized by the law enforcement~~
27 ~~agency.~~

28 ~~(4) The information that may be disclosed pursuant to this~~
29 ~~section includes the following:~~

30 ~~(A) The offender's full name.~~

31 ~~(B) The offender's known aliases.~~

32 ~~(C) The offender's gender.~~

33 ~~(D) The offender's race.~~

34 ~~(E) The offender's physical description.~~

35 ~~(F) The offender's photograph.~~

36 ~~(G) The offender's date of birth.~~

37 ~~(H) Crimes resulting in registration under this section.~~

38 ~~(I) The offender's address, which must be verified prior to~~
39 ~~publication.~~

~~(J) Description and license plate number of offender's vehicles or vehicles the offender is known to drive.~~

~~(K) Type of victim targeted by the offender.~~

~~(L) Relevant parole or probation conditions, such as one prohibiting contact with children.~~

~~(M) Dates of crimes resulting in classification under this section.~~

~~(N) Date of release from confinement.~~

~~(O) The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.~~

~~However, information disclosed pursuant to this subdivision shall not include information that would identify the victim.~~

~~(5) If a law enforcement agency discloses information pursuant to this subdivision, it shall include, with the disclosure, a statement that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.~~

~~(6) For purposes of this section, "likely to encounter" means both of the following:~~

~~(A) That the agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis.~~

~~(B) The types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.~~

~~(7) For purposes of this section, "reasonably suspects" means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.~~

~~(8) For purposes of this section, "at risk" means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.~~

~~(9) A law enforcement agency may continue to disclose information on an offender under this subdivision for as long as the offender is included in Section 290.4.~~

~~(n) In addition to the procedures set forth elsewhere in this section, a designated law enforcement entity may advise the public~~

1 of the presence of high-risk sex offenders in its community
2 pursuant to this subdivision.

3 (1) For purposes of this subdivision:

4 (A) A high-risk sex offender is a person who has been
5 convicted of an offense specified in paragraph (1) of subdivision
6 (a) of Section 290.4, and also meets one of the following criteria:

7 (i) Has been convicted of three or more violent sex offenses, at
8 least two of which were brought and tried separately.

9 (ii) Has been convicted of two violent sex offenses and one or
10 more violent nonsex offenses, at least two of which were brought
11 and tried separately.

12 (iii) Has been convicted of one violent sex offense and two or
13 more violent nonsex offenses, at least two of which were brought
14 and tried separately.

15 (iv) Has been convicted of either two violent sex offenses or
16 one violent sex offense and one violent nonsex offense, at least two
17 of which were brought and tried separately, and has been arrested
18 on separate occasions for three or more violent sex offenses,
19 violent nonsex offenses, or associated offenses.

20 (v) Has been adjudicated a sexually violent predator pursuant
21 to Article 4 (commencing with Section 6600) of Chapter 2 of Part
22 2 of Division 6 of the Welfare and Institutions Code.

23 (B) A violent sex offense means any offense defined in Section
24 220, except attempt to commit mayhem, or Section 261, 264.1,
25 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily
26 injury during the commission of a sex offense, as provided in
27 Section 12022.8.

28 (C) A violent nonsex offense means any offense defined in
29 Section 187, subdivision (a) of Section 192, or Section 203, 206,
30 207, or 236, provided that the offense is a felony, subdivision (a)
31 of Section 273a, Section 273d or 451, or attempted murder, as
32 defined in Sections 187 and 664.

33 (D) An associated offense means any offense defined in
34 Section 243.4, provided that the offense is a felony, Section 311.1,
35 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459,
36 provided the offense is of the first degree, Section 597 or 646.9,
37 subdivision (d), (h), or (i) of Section 647, Section 653m, or
38 infliction of great bodily injury during the commission of a felony,
39 as defined in Section 12022.7.

~~(E) For purposes of subparagraphs (B) to (D), inclusive, an arrest or conviction for the statutory predecessor of any of the enumerated offenses, or an arrest or conviction in any other jurisdiction for any offense that, if committed or attempted in this state, would have been punishable as one or more of the offenses described in those subparagraphs, is to be considered in determining whether an offender is a high-risk sex offender.~~

~~(F) For purposes of subparagraphs (B) to (D), inclusive, an arrest as a juvenile or an adjudication as a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code for any of the offenses described in those subparagraphs is to be considered in determining whether an offender is a high-risk sex offender.~~

~~(G) Notwithstanding subparagraphs (A) to (D), inclusive, an offender shall not be considered to be a high-risk sex offender if either of the following apply:~~

~~(i) The offender's most recent conviction or arrest for an offense described in subparagraphs (B) to (D), inclusive, occurred more than five years prior to the high-risk assessment by the Department of Justice, excluding periods of confinement.~~

~~(ii) The offender notifies the Department of Justice, on a form approved by the department and available at any sheriff's office, that he or she has not been convicted in the preceding 15 years, excluding periods of confinement, of an offense for which registration is required under paragraph (2) of subdivision (a), and the department is able, upon exercise of reasonable diligence, to verify the information provided in paragraph (2).~~

~~(H) "Confinement" means confinement in a jail, prison, school, road camp, or other penal institution, confinement in a state hospital to which the offender was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or confinement in a facility designated by the Director of Mental Health to which the offender was committed as a sexually violent predator under Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.~~

~~(I) "Designated law enforcement entity" means any of the following: municipal police department; sheriff's department; district attorney's office; county probation department;~~

1 Department of Justice; Department of Corrections; Department of
2 the Youth Authority; Department of the California Highway
3 Patrol; or the police department of any campus of the University
4 of California, California State University, or community college.

5 (2) The Department of Justice shall continually search the
6 records provided to it pursuant to subdivision (b) and identify, on
7 the basis of those records, high-risk sex offenders. Four times each
8 year, the department shall provide to each chief of police and
9 sheriff in the state, and to any other designated law enforcement
10 entity upon request, the following information regarding each
11 identified high-risk sex offender: full name; known aliases;
12 gender; race; physical description; photograph; date of birth; and
13 crimes resulting in classification under this section.

14 (3) The Department of Justice and any designated law
15 enforcement entity to which notice has been given pursuant to
16 paragraph (2) may cause to be made public, by whatever means the
17 agency deems necessary to ensure the public safety, based upon
18 information available to the agency concerning a specific person,
19 including, but not limited to, the information described in
20 paragraph (2); the offender's address, which shall be verified prior
21 to publication; description and license plate number of the
22 offender's vehicles or vehicles the offender is known to drive; type
23 of victim targeted by the offender; relevant parole or probation
24 conditions, such as one prohibiting contact with children; dates of
25 crimes resulting in classification under this section; and date of
26 release from confinement; but excluding information that would
27 identify the victim.

28 (4) Notwithstanding any other provision of law, any person
29 described in paragraph (2) of subdivision (p) who receives
30 information from a designated law enforcement entity pursuant to
31 paragraph (3) may disclose that information in the manner and to
32 the extent authorized by the law enforcement entity.

33 (5) The law enforcement agency may authorize persons and
34 entities who receive the information pursuant to paragraph (3) to
35 disclose information to additional persons only if the agency does
36 the following:

37 (A) Determines that all conditions set forth in this subdivision
38 have been satisfied regarding disclosure to the additional persons.

39 (B) Identifies the appropriate scope of further disclosure.

~~(o) Agencies disseminating information to the public pursuant to Section 290.4 shall maintain records of those persons requesting to view the CD-ROM or other electronic media for a minimum of five years. Agencies disseminating information to the public pursuant to subdivision (n) shall maintain records of the means and dates of dissemination for a minimum of five years.~~

~~(p) (1) Any law enforcement agency and employees of any law enforcement agency shall be immune from liability for good faith conduct under this section. For the purposes of this section, “law enforcement agency” means the Attorney General of California, every district attorney, the Department of Corrections, the Department of the Youth Authority, and every state or local agency expressly authorized by statute to investigate or prosecute law violators.~~

~~(2) Any public or private educational institution, day care facility, or any child care custodian described in Section 11165.7, or any employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized pursuant to paragraph (3) of subdivision (m) or paragraph (4) of subdivision (n) that is provided by a law enforcement agency or an employee of a law enforcement agency shall be immune from civil liability.~~

~~(q) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.~~

~~(2) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).~~

~~(r) The registration and public notification. The registration provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described in this section, regardless of when it was committed.~~

SEC. 1.3. Section 290 of the Penal Code is amended to read:

290. (a) (1) (A) Every person described in paragraph (2), for the rest of his or her life while residing in, or, if he or she has

1 no residence, while located within California, or while attending
2 school or working in California, as described in subparagraph (G),
3 shall be required to register with the chief of police of the city in
4 which he or she is residing, or if he or she has no residence, is
5 located, or the sheriff of the county if he or she is residing, or if he
6 or she has no residence, is located, in an unincorporated area or city
7 that has no police department, and, additionally, with the chief of
8 police of a campus of the University of California, the California
9 State University, or community college if he or she is residing, or
10 if he or she has no residence, is located upon the campus or in any
11 of its facilities, within five working days of coming into, or
12 changing his or her residence or location within, any city, county,
13 or city and county, or campus in which he or she temporarily
14 resides, or, if he or she has no residence, is located.

15 (B) If the person who is registering has more than one residence
16 address or location at which he or she regularly resides or is
17 located, he or she shall register in accordance with subparagraph
18 (A) in each of the jurisdictions in which he or she regularly resides
19 or is located. If all of the addresses or locations are within the same
20 jurisdiction, the person shall provide the registering authority with
21 all of the addresses or locations where he or she regularly resides
22 or is located.

23 (C) If the person who is registering has no residence address,
24 he or she shall update his or her registration no less than once every
25 60 days in addition to the requirement in subparagraph (A), on a
26 form as may be required by the Department of Justice, with the
27 entity or entities described in subparagraph (A) in whose
28 jurisdiction he or she is located at the time he or she is updating the
29 registration.

30 (D) Beginning on his or her first birthday following
31 registration or change of address, the person shall be required to
32 register annually, within five working days of his or her birthday,
33 to update his or her registration with the entities described in
34 subparagraph (A). At the annual update, the person shall provide
35 current information as required on the Department of Justice
36 annual update form, including the information described in
37 subparagraphs (A) to (C), inclusive, of paragraph (2) of
38 subdivision (e).

39 (E) In addition, every person who has ever been adjudicated a
40 sexually violent predator, as defined in Section 6600 of the

Welfare and Institutions Code, shall, after his or her release from custody, verify his or her address no less than once every 90 days and place of employment, including the name and address of the employer, in a manner established by the Department of Justice.

(F) No entity shall require a person to pay a fee to register or update his or her registration pursuant to this section. The registering agency shall submit registrations, including annual updates or changes of address, directly into the Department of Justice Violent Crime Information Network (VCIN).

(G) Persons required to register in their state of residence who are out-of-state residents employed, or carrying on a vocation in California on a full-time or part-time basis, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall register in accordance with subparagraph (A). Persons described in paragraph (2) who are out-of-state residents enrolled in any educational institution in California, as defined in Section 22129 of the Education Code, on a full-time or part-time basis, shall register in accordance with subparagraph (A). The place where the out-of-state resident is located, for purposes of registration, shall be the place where the person is employed, carrying on a vocation, or attending school. The out-of-state resident subject to this subparagraph shall, in addition to the information required pursuant to subdivision (e), provide the registering authority with the name of his or her place of employment or the name of the school attended in California, and his or her address or location in his or her state of residence. The registration requirement for persons subject to this subparagraph shall become operative on November 25, 2000. The terms “employed or carries on a vocation” include employment whether or not financially compensated, volunteered, or performed for government or educational benefit.

(2) The following persons shall be required to register pursuant to paragraph (1):

(A) Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 207 or 209 committed with intent to violate Section 261, 286, 288, 288a, or 289, Section 220, except assault to commit mayhem, Section 243.4, paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of subdivision (a) of Section 262 involving the use of force or

1 violence for which the person is sentenced to the state prison,
 2 Section 264.1, 266, 266c, subdivision (b) of Section 266h,
 3 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,
 4 288a, 288.5, or 289, *Section 311.1*, subdivision (b), (c), or (d) of
 5 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,
 6 former Section 647a, subdivision (c) of Section 653f, subdivision
 7 1 or 2 of Section 314, any offense involving lewd or lascivious
 8 conduct under Section 272, or any felony violation of Section
 9 288.2; *or any statutory predecessor that includes all elements of*
 10 *one of the above-mentioned offenses*; or any person who since that
 11 date has been or is hereafter convicted of the attempt to commit any
 12 of the above-mentioned offenses.

13 (B) Any person who, since July 1, 1944, has been or hereafter
 14 is released, discharged, or paroled from a penal institution where
 15 he or she was confined because of the commission or attempted
 16 commission of one of the offenses described in subparagraph (A).

17 (C) Any person who, since July 1, 1944, has been or hereafter
 18 is determined to be a mentally disordered sex offender under
 19 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2
 20 of Division 6 of the Welfare and Institutions Code or any person
 21 who has been found guilty in the guilt phase of a trial for an offense
 22 for which registration is required by this section but who has been
 23 found not guilty by reason of insanity in the sanity phase of the
 24 trial.

25 (D) Any person who, since July 1, 1944, has been, or is
 26 hereafter convicted in any other court, including any state, federal,
 27 or military court, of any offense that, if committed or attempted in
 28 this state, would have been punishable as one or more of the
 29 offenses described in subparagraph (A) or any person ordered by
 30 any other court, including any state, federal, or military court, to
 31 register as a sex offender for any offense, if the court found at the
 32 time of conviction or sentencing that the person committed the
 33 offense as a result of sexual compulsion or for purposes of sexual
 34 gratification.

35 (E) Any person ordered by any court to register pursuant to this
 36 section for any offense not included specifically in this section if
 37 the court finds at the time of conviction or sentencing that the
 38 person committed the offense as a result of sexual compulsion or
 39 for purposes of sexual gratification. The court shall state on the

1 record the reasons for its findings and the reasons for requiring
2 registration.

3 (F) (i) Notwithstanding any other subdivision, a person who
4 was convicted before January 1, 1976, under subdivision (a) of
5 Section 286, or Section 288a, shall not be required to register
6 pursuant to this section for that conviction if the conviction was for
7 conduct between consenting adults that was decriminalized by
8 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes
9 of 1976. The Department of Justice shall remove that person from
10 the Sex Offender Registry, and the person is discharged from his
11 or her duty to register pursuant to the following procedure:

12 (I) The person submits to the Department of Justice official
13 documentary evidence, including court records or police reports,
14 that demonstrate that the person's conviction pursuant to either of
15 those sections was for conduct between consenting adults that was
16 decriminalized; or

17 (II) The person submits to the department a declaration stating
18 that the person's conviction pursuant to either of those sections was
19 for consensual conduct between adults that has been
20 decriminalized. The declaration shall be confidential and not a
21 public record, and shall include the person's name, address,
22 telephone number, date of birth, and a summary of the
23 circumstances leading to the conviction, including the date of the
24 conviction and county of the occurrence.

25 (III) The department shall determine whether the person's
26 conviction was for conduct between consensual adults that has
27 been decriminalized. If the conviction was for consensual conduct
28 between adults that has been decriminalized, and the person has no
29 other offenses for which he or she is required to register pursuant
30 to this section, the department shall, within 60 days of receipt of
31 those documents, notify the person that he or she is relieved of the
32 duty to register, and shall notify the local law enforcement agency
33 with which the person is registered that he or she has been relieved
34 of the duty to register. The local law enforcement agency shall
35 remove the person's registration from its files within 30 days of
36 receipt of notification. If the documentary or other evidence
37 submitted is insufficient to establish the person's claim, the
38 department shall, within 60 days of receipt of those documents,
39 notify the person that his or her claim cannot be established, and
40 that the person shall continue to register pursuant to this section.



1 The department shall provide, upon the person's request, any
2 information relied upon by the department in making its
3 determination that the person shall continue to register pursuant to
4 this section. Any person whose claim has been denied by the
5 department pursuant to this clause may petition the court to appeal
6 the department's denial of the person's claim.

7 (ii) On or before July 1, 1998, the department shall make a
8 report to the Legislature concerning the status of persons who may
9 come under the provisions of this subparagraph, including the
10 number of persons who were convicted before January 1, 1976,
11 under subdivision (a) of Section 286 or Section 288a and are
12 required to register under this section, the average age of these
13 persons, the number of these persons who have any subsequent
14 convictions for a registerable sex offense, and the number of these
15 persons who have sought successfully or unsuccessfully to be
16 relieved of their duty to register under this section.

17 (b) (1) Any person who is released, discharged, or paroled
18 from a jail, state or federal prison, school, road camp, or other
19 institution where he or she was confined because of the
20 commission or attempted commission of one of the offenses
21 specified in subdivision (a) or is released from a state hospital to
22 which he or she was committed as a mentally disordered sex
23 offender under Article 1 (commencing with Section 6300) of
24 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
25 Code, shall, prior to discharge, parole, or release, be informed of
26 his or her duty to register under this section by the official in charge
27 of the place of confinement or hospital, and the official shall
28 require the person to read and sign any form that may be required
29 by the Department of Justice, stating that the duty of the person to
30 register under this section has been explained to the person. The
31 official in charge of the place of confinement or hospital shall
32 obtain the address where the person expects to reside upon his or
33 her discharge, parole, or release and shall report the address to the
34 Department of Justice. The official shall at the same time forward
35 a current photograph of the person to the Department of Justice.

36 (2) The official in charge of the place of confinement or
37 hospital shall give one copy of the form to the person and shall send
38 one copy to the Department of Justice and one copy to the
39 appropriate law enforcement agency or agencies having
40 jurisdiction over the place the person expects to reside upon

1 discharge, parole, or release. If the conviction that makes the
2 person subject to this section is a felony conviction, the official in
3 charge shall, not later than 45 days prior to the scheduled release
4 of the person, send one copy to the appropriate law enforcement
5 agency or agencies having local jurisdiction where the person
6 expects to reside upon discharge, parole, or release; one copy to the
7 prosecuting agency that prosecuted the person; and one copy to the
8 Department of Justice. The official in charge of the place of
9 confinement or hospital shall retain one copy.

10 (c) (1) Any person who is convicted in this state of the
11 commission or attempted commission of any of the offenses
12 specified in subdivision (a) and who is released on probation, shall,
13 prior to release or discharge, be informed of the duty to register
14 under this section by the probation department, and a probation
15 officer shall require the person to read and sign any form that may
16 be required by the Department of Justice, stating that the duty of
17 the person to register under this section has been explained to him
18 or her. The probation officer shall obtain the address where the
19 person expects to reside upon release or discharge and shall report
20 within three days the address to the Department of Justice. The
21 probation officer shall give one copy of the form to the person,
22 send one copy to the Department of Justice, and forward one copy
23 to the appropriate law enforcement agency or agencies having
24 local jurisdiction where the person expects to reside upon his or her
25 discharge, parole, or release.

26 (2) Any person who is convicted in this state of the commission
27 or attempted commission of any of the offenses specified in
28 subdivision (a) and who is granted conditional release without
29 supervised probation, or discharged upon payment of a fine, shall,
30 prior to release or discharge, be informed of the duty to register
31 under this section in open court by the court in which the person
32 has been convicted, and the court shall require the person to read
33 and sign any form that may be required by the Department of
34 Justice, stating that the duty of the person to register under this
35 section has been explained to him or her. If the court finds that it
36 is in the interest of the efficiency of the court, the court may assign
37 the bailiff to require the person to read and sign forms under this
38 section. The court shall obtain the address where the person
39 expects to reside upon release or discharge and shall report within
40 three days the address to the Department of Justice. The court shall

1 give one copy of the form to the person, send one copy to the
2 Department of Justice, and forward one copy to the appropriate
3 law enforcement agency or agencies having local jurisdiction
4 where the person expects to reside upon his or her discharge,
5 parole, or release.

6 (d) (1) Any person who, on or after January 1, 1986, is
7 discharged or paroled from the Department of the Youth Authority
8 to the custody of which he or she was committed after having been
9 adjudicated a ward of the juvenile court pursuant to Section 602
10 of the Welfare and Institutions Code because of the commission or
11 attempted commission of any offense described in paragraph (3)
12 shall be subject to registration under the procedures of this section.

13 (2) Any person who is discharged or paroled from a facility in
14 another state that is equivalent to the Department of the Youth
15 Authority, to the custody of which he or she was committed
16 because of an offense which, if committed or attempted in this
17 state, would have been punishable as one or more of the offenses
18 described in paragraph (3), shall be subject to registration under
19 the procedures of this section.

20 (3) Any person described in this subdivision who committed an
21 offense in violation of any of the following provisions shall be
22 required to register pursuant to this section:

23 (A) Assault with intent to commit rape, sodomy, oral
24 copulation, or any violation of Section 264.1, 288, or 289 under
25 Section 220.

26 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
27 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
28 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
29 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)
30 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of
31 Section 289, or Section 647.6.

32 (C) A violation of Section 207 or 209 committed with the intent
33 to violate Section 261, 286, 288, 288a, or 289.

34 (4) Prior to discharge or parole from the Department of the
35 Youth Authority, any person who is subject to registration under
36 this subdivision shall be informed of the duty to register under the
37 procedures set forth in this section. Department of the Youth
38 Authority officials shall transmit the required forms and
39 information to the Department of Justice.

(5) All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person who is required to register has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code. This subdivision shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by a court under Section 781 of the Welfare and Institutions Code.

(e) (1) On or after January 1, 1998, upon incarceration, placement, or commitment, or prior to release on probation, any person who is required to register under this section shall preregister. The preregistering official shall be the admitting officer at the place of incarceration, placement, or commitment, or the probation officer if the person is to be released on probation. The preregistration shall consist of ~~both~~ *all* of the following:

(A) A preregistration statement in writing, signed by the person, giving information that shall be required by the Department of Justice.

(B) The fingerprints and a current photograph of the person.

(C) Any person who is preregistered pursuant to this subdivision is required to be preregistered only once.

(2) A person described in paragraph (2) of subdivision (a) shall register, or reregister if the person has previously registered, upon release from incarceration, placement, or commitment, pursuant to paragraph (1) of subdivision (a). The registration shall consist of all of the following:

(A) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.

(B) The fingerprints and a current photograph of the person taken by the registering official.

(C) The license plate number of any vehicle owned by, regularly driven by, or registered in the name of the person.

(D) Notice to the person that, in addition to the requirements of paragraph (4), he or she may have a duty to register in any other state where he or she may relocate.

(E) Copies of adequate proof of residence, which shall be limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents showing that person's name and address, or any other information that the registering official believes is reliable. If the person has no residence and no reasonable expectation of obtaining a residence in the foreseeable future, the person shall so advise the registering official and shall sign a statement provided by the registering official stating that fact. Upon presentation of proof of residence to the registering official or a signed statement that the person has no residence, the person shall be allowed to register. If the person claims that he or she has a residence but does not have any proof of residence, he or she shall be allowed to register but shall furnish proof of residence within 30 days of the day he or she is allowed to register.

(3) Within three days thereafter, the preregistering official or the registering law enforcement agency or agencies shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice.

(f) (1) If any person who is required to register pursuant to this section changes his or her residence address or location, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside or outside the state, the person shall inform, in writing within five working days, the law enforcement agency or agencies with which he or she last registered of the new address or location. The law enforcement agency or agencies shall, within three *working* days after receipt of this information, forward a copy of the change of address or location information to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency or agencies having local jurisdiction of the new place of residence or location.

(2) If the person's new address is in a Department of the Youth Authority facility or a state prison or state mental institution, an official of the place of incarceration, placement, or commitment shall, within 90 days of receipt of the person, forward the registrant's change of address information to the Department of

1 Justice. The agency need not provide a physical address for the
2 registrant but shall indicate that he or she is serving a period of
3 incarceration or commitment in a facility under the agency's
4 jurisdiction. This paragraph shall apply to persons received in a
5 Department of the Youth Authority facility or a state prison or state
6 mental institution on or after January 1, 1999. The Department of
7 Justice shall forward the change of address information to the
8 agency with which the person last registered.

9 (3) If any person who is required to register pursuant to this
10 section changes his or her name, the person shall inform, in person,
11 the law enforcement agency or agencies with which he or she is
12 currently registered within five working days. The law
13 enforcement agency or agencies shall forward a copy of this
14 information to the Department of Justice within three *working*
15 days of its receipt.

16 (g) (1) Any person who is required to register under this
17 section based on a misdemeanor conviction or juvenile
18 adjudication who willfully violates any requirement of this section
19 is guilty of a misdemeanor punishable by imprisonment in a
20 county jail not exceeding one year.

21 (2) Except as provided in paragraphs (5) and (7), any person
22 who is required to register under this section based on a felony
23 conviction or juvenile adjudication who willfully violates any
24 requirement of this section or who has a prior conviction or
25 juvenile adjudication for the offense of failing to register under this
26 section and who subsequently and willfully violates any
27 requirement of this section is guilty of a felony and shall be
28 punished by imprisonment in the state prison for 16 months, or two
29 or three years.

30 If probation is granted or if the imposition or execution of
31 sentence is suspended, it shall be a condition of the probation or
32 suspension that the person serve at least 90 days in a county jail.
33 The penalty described in this paragraph shall apply whether or not
34 the person has been released on parole or has been discharged from
35 parole.

36 (3) Any person determined to be a mentally disordered sex
37 offender or who has been found guilty in the guilt phase of trial for
38 an offense for which registration is required under this section, but
39 who has been found not guilty by reason of insanity in the sanity
40 phase of the trial, or who has had a petition sustained in a juvenile

1 adjudication for an offense for which registration is required under
2 this section pursuant to subdivision (d), but who has been found
3 not guilty by reason of insanity, who willfully violates any
4 requirement of this section is guilty of a misdemeanor and shall be
5 punished by imprisonment in a county jail not exceeding one year.
6 For any second or subsequent willful violation of any requirement
7 of this section, the person is guilty of a felony and shall be punished
8 by imprisonment in the state prison for 16 months, or two or three
9 years.

10 (4) If, after discharge from parole, the person is convicted of a
11 felony or suffers a juvenile adjudication as specified in this
12 subdivision, he or she shall be required to complete parole of at
13 least one year, in addition to any other punishment imposed under
14 this subdivision. A person convicted of a felony as specified in this
15 subdivision may be granted probation only in the unusual case
16 where the interests of justice would best be served. When
17 probation is granted under this paragraph, the court shall specify
18 on the record and shall enter into the minutes the circumstances
19 indicating that the interests of justice would best be served by the
20 disposition.

21 (5) Any person who has ever been adjudicated a sexually
22 violent predator, as defined in Section 6600 of the Welfare and
23 Institutions Code, and who fails to verify his or her registration
24 every 90 days as required pursuant to subparagraph (E) of
25 paragraph (1) of subdivision (a), shall be punished by
26 imprisonment in the state prison, or in a county jail not exceeding
27 one year.

28 (6) Except as otherwise provided in paragraph (5), and in
29 addition to any other penalty imposed under this subdivision, any
30 person who is required pursuant to subparagraph (C) of paragraph
31 (1) of subdivision (a) to update his or her registration every 60 days
32 and willfully fails to update his or her registration is guilty of a
33 misdemeanor and shall be punished by imprisonment in a county
34 jail not exceeding six months. Any subsequent violation of this
35 requirement that persons described in subparagraph (C) of
36 paragraph (1) of subdivision (a) shall update their registration
37 every 60 days is also a misdemeanor and shall be punished by
38 imprisonment in a county jail not exceeding six months.

39 (7) Any person who fails to provide proof of residence as
40 required by subparagraph (E) of paragraph (2) of subdivision (e),

1 regardless of the offense upon which the duty to register is based,
2 is guilty of a misdemeanor punishable by imprisonment in a
3 county jail not exceeding six months.

4 (8) Any person who is required to register under this section
5 who willfully violates any requirement of this section is guilty of
6 a continuing offense.

7 (h) Whenever any person is released on parole or probation and
8 is required to register under this section but fails to do so within
9 the time prescribed, the parole authority, the Youthful Offender
10 Parole Board, or the court, as the case may be, shall order the
11 parole or probation of the person revoked. For purposes of this
12 subdivision, “parole authority” has the same meaning as
13 described in Section 3000.

14 (i) Except as provided in ~~subdivisions (m) and (n) and Section~~
15 ~~290.4 Sections 290.4 and 290.45~~, the statements, photographs,
16 and fingerprints required by this section shall not be open to
17 inspection by the public or by any person other than a regularly
18 employed peace officer or other law enforcement officer.

19 (j) In any case in which a person who would be required to
20 register pursuant to this section for a felony conviction is to be
21 temporarily sent outside the institution where he or she is confined
22 on any assignment within a city or county including firefighting,
23 disaster control, or of whatever nature the assignment may be, the
24 local law enforcement agency having jurisdiction over the place
25 or places where the assignment shall occur shall be notified within
26 a reasonable time prior to removal from the institution. This
27 subdivision shall not apply to any person who is temporarily
28 released under guard from the institution where he or she is
29 confined.

30 (k) As used in this section, “mentally disordered sex offender”
31 includes any person who has been determined to be a sexual
32 psychopath or a mentally disordered sex offender under any
33 provision which, on or before January 1, 1976, was contained in
34 Division 6 (commencing with Section 6000) of the Welfare and
35 Institutions Code.

36 (l) (1) Every person who, prior to January 1, 1997, is required
37 to register under this section, shall be notified whenever he or she
38 next reregisters of the reduction of the registration period from 14
39 to five working days. This notice shall be provided in writing by
40 the registering agency or agencies. Failure to receive this

notification shall be a defense against the penalties prescribed by subdivision (g) if the person did register within 14 days.

(2) Every person who, as a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, is required to verify his or her registration every 90 days, shall be notified wherever he or she next registers of his or her increased registration obligations. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notice shall be a defense against the penalties prescribed by paragraph (5) of subdivision (g).

~~(m) (1) When a peace officer reasonably suspects, based on information that has come to his or her attention through information provided by any peace officer or member of the public, that a child or other person may be at risk from a sex offender convicted of a crime listed in paragraph (1) of subdivision (a) of Section 290.4, a law enforcement agency may, notwithstanding any other provision of law, provide any of the information specified in paragraph (4) of this subdivision about that registered sex offender that the agency deems relevant and necessary to protect the public, to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following:~~

~~(A) Public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender.~~

~~(B) Other community members at risk.~~

~~(2) The law enforcement agency may authorize persons and entities who receive the information pursuant to paragraph (1) to disclose information to additional persons only if the agency does the following:~~

~~(A) Determines that all conditions set forth in paragraph (1) have been satisfied regarding disclosure to the additional persons.~~

~~(B) Identifies the appropriate scope of further disclosure.~~

~~(3) Persons notified pursuant to paragraph (1) may disclose the information provided by the law enforcement agency in the manner and to the extent authorized by the law enforcement agency.~~

~~(4) The information that may be disclosed pursuant to this section includes the following:~~

~~(A) The offender's full name.~~

1 ~~(B) The offender's known aliases.~~

2 ~~(C) The offender's gender.~~

3 ~~(D) The offender's race.~~

4 ~~(E) The offender's physical description.~~

5 ~~(F) The offender's photograph.~~

6 ~~(G) The offender's date of birth.~~

7 ~~(H) Crimes resulting in registration under this section.~~

8 ~~(I) The offender's address, which must be verified prior to~~
9 ~~publication.~~

10 ~~(J) Description and license plate number of offender's vehicles~~
11 ~~or vehicles the offender is known to drive.~~

12 ~~(K) Type of victim targeted by the offender.~~

13 ~~(L) Relevant parole or probation conditions, such as one~~
14 ~~prohibiting contact with children.~~

15 ~~(M) Dates of crimes resulting in classification under this~~
16 ~~section.~~

17 ~~(N) Date of release from confinement.~~

18 ~~(O) The offender's enrollment, employment, or vocational~~
19 ~~status with any university, college, community college, or other~~
20 ~~institution of higher learning.~~

21 ~~However, information disclosed pursuant to this subdivision~~
22 ~~shall not include information that would identify the victim.~~

23 ~~(5) If a law enforcement agency discloses information pursuant~~
24 ~~to this subdivision, it shall include, with the disclosure, a statement~~
25 ~~that the purpose of the release of the information is to allow~~
26 ~~members of the public to protect themselves and their children~~
27 ~~from sex offenders.~~

28 ~~(6) For purposes of this section, "likely to encounter" means~~
29 ~~both of the following:~~

30 ~~(A) That the agencies, organizations, or other community~~
31 ~~members are in a location or in close proximity to a location where~~
32 ~~the offender lives or is employed, or that the offender visits or is~~
33 ~~likely to visit on a regular basis.~~

34 ~~(B) The types of interaction that ordinarily occur at that~~
35 ~~location and other circumstances indicate that contact with the~~
36 ~~offender is reasonably probable.~~

37 ~~(7) For purposes of this section, "reasonably suspects" means~~
38 ~~that it is objectively reasonable for a peace officer to entertain a~~
39 ~~suspicion, based upon facts that could cause a reasonable person~~

1 in a like position, drawing when appropriate on his or her training
2 and experience, to suspect that a child or other person is at risk.

3 (8) For purposes of this section, “at risk” means a person is or
4 may be exposed to a risk of becoming a victim of a sex offense
5 committed by the offender.

6 (9) A law enforcement agency may continue to disclose
7 information on an offender under this subdivision for as long as the
8 offender is included in Section 290.4.

9 (n) In addition to the procedures set forth elsewhere in this
10 section, a designated law enforcement entity may advise the public
11 of the presence of high-risk sex offenders in its community
12 pursuant to this subdivision.

13 (1) For purposes of this subdivision:

14 (A) A high-risk sex offender is a person who has been
15 convicted of an offense specified in paragraph (1) of subdivision
16 (a) of Section 290.4, and also meets one of the following criteria:

17 (i) Has been convicted of three or more violent sex offenses, at
18 least two of which were brought and tried separately.

19 (ii) Has been convicted of two violent sex offenses and one or
20 more violent nonsex offenses, at least two of which were brought
21 and tried separately.

22 (iii) Has been convicted of one violent sex offense and two or
23 more violent nonsex offenses, at least two of which were brought
24 and tried separately.

25 (iv) Has been convicted of either two violent sex offenses or
26 one violent sex offense and one violent nonsex offense, at least two
27 of which were brought and tried separately, and has been arrested
28 on separate occasions for three or more violent sex offenses,
29 violent nonsex offenses, or associated offenses.

30 (v) Has been adjudicated a sexually violent predator pursuant
31 to Article 4 (commencing with Section 6600) of Chapter 2 of Part
32 2 of Division 6 of the Welfare and Institutions Code.

33 (B) A violent sex offense means any offense defined in Section
34 220, except attempt to commit mayhem, or Section 261, 264.1,
35 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily
36 injury during the commission of a sex offense, as provided in
37 Section 12022.8.

38 (C) A violent nonsex offense means any offense defined in
39 Section 187, subdivision (a) of Section 192, or Section 203, 206,
40 207, or 236, provided that the offense is a felony, subdivision (a)

1 of Section 273a, Section 273d or 451, or attempted murder, as
2 defined in Sections 187 and 664.

3 ~~(D) An associated offense means any offense defined in~~
4 ~~Section 243.4, provided that the offense is a felony, Section 311.1,~~
5 ~~311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459,~~
6 ~~provided the offense is of the first degree, Section 597 or 646.9,~~
7 ~~subdivision (d), (h), or (i) of Section 647, Section 653m, or~~
8 ~~infliction of great bodily injury during the commission of a felony,~~
9 ~~as defined in Section 12022.7.~~

10 ~~(E) For purposes of subparagraphs (B) to (D), inclusive, an~~
11 ~~arrest or conviction for the statutory predecessor of any of the~~
12 ~~enumerated offenses, or an arrest or conviction in any other~~
13 ~~jurisdiction for any offense that, if committed or attempted in this~~
14 ~~state, would have been punishable as one or more of the offenses~~
15 ~~described in those subparagraphs, is to be considered in~~
16 ~~determining whether an offender is a high-risk sex offender.~~

17 ~~(F) For purposes of subparagraphs (B) to (D), inclusive, an~~
18 ~~arrest as a juvenile or an adjudication as a ward of the juvenile~~
19 ~~court within the meaning of Section 602 of the Welfare and~~
20 ~~Institutions Code for any of the offenses described in those~~
21 ~~subparagraphs is to be considered in determining whether an~~
22 ~~offender is a high-risk sex offender.~~

23 ~~(G) Notwithstanding subparagraphs (A) to (D), inclusive, an~~
24 ~~offender shall not be considered to be a high-risk sex offender if~~
25 ~~either of the following apply:~~

26 ~~(i) The offender's most recent conviction or arrest for an~~
27 ~~offense described in subparagraphs (B) to (D), inclusive, occurred~~
28 ~~more than five years prior to the high-risk assessment by the~~
29 ~~Department of Justice, excluding periods of confinement.~~

30 ~~(ii) The offender notifies the Department of Justice, on a form~~
31 ~~approved by the department and available at any sheriff's office,~~
32 ~~that he or she has not been convicted in the preceding 15 years,~~
33 ~~excluding periods of confinement, of an offense for which~~
34 ~~registration is required under paragraph (2) of subdivision (a), and~~
35 ~~the department is able, upon exercise of reasonable diligence, to~~
36 ~~verify the information provided in paragraph (2).~~

37 ~~(H) "Confinement" means confinement in a jail, prison,~~
38 ~~school, road camp, or other penal institution, confinement in a~~
39 ~~state hospital to which the offender was committed as a mentally~~
40 ~~disordered sex offender under Article 1 (commencing with~~

1 Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare
2 and Institutions Code, or confinement in a facility designated by
3 the Director of Mental Health to which the offender was
4 committed as a sexually violent predator under Article 4
5 (commencing with Section 6600) of Chapter 2 of Part 2 of
6 Division 6 of the Welfare and Institutions Code.

7 (1) “Designated law enforcement entity” means any of the
8 following: municipal police department; sheriff’s department;
9 district attorney’s office; county probation department;
10 Department of Justice; Department of Corrections; Department of
11 the Youth Authority; Department of the California Highway
12 Patrol; or the police department of any campus of the University
13 of California, California State University, or community college.

14 (2) The Department of Justice shall continually search the
15 records provided to it pursuant to subdivision (b) and identify, on
16 the basis of those records, high-risk sex offenders. Four times each
17 year, the department shall provide to each chief of police and
18 sheriff in the state, and to any other designated law enforcement
19 entity upon request, the following information regarding each
20 identified high-risk sex offender: full name; known aliases;
21 gender; race; physical description; photograph; date of birth; and
22 crimes resulting in classification under this section.

23 (3) The Department of Justice and any designated law
24 enforcement entity to which notice has been given pursuant to
25 paragraph (2) may cause to be made public, by whatever means the
26 agency deems necessary to ensure the public safety, based upon
27 information available to the agency concerning a specific person,
28 including, but not limited to, the information described in
29 paragraph (2); the offender’s address, which shall be verified prior
30 to publication; description and license plate number of the
31 offender’s vehicle or vehicles the offender is known to drive; type
32 of victim targeted by the offender; relevant parole or probation
33 conditions, such as one prohibiting contact with children; dates of
34 crimes resulting in classification under this section; and date of
35 release from confinement; but excluding information that would
36 identify the victim.

37 (4) Notwithstanding any other provision of law, any person
38 described in paragraph (2) of subdivision (p) who receives
39 information from a designated law enforcement entity pursuant to

1 paragraph (3) may disclose that information in the manner and to
2 the extent authorized by the law enforcement entity.

3 (5) The law enforcement agency may authorize persons and
4 entities who receive the information pursuant to paragraph (3) to
5 disclose information to additional persons only if the agency does
6 the following:

7 (A) Determines that all conditions set forth in this subdivision
8 have been satisfied regarding disclosure to the additional persons.

9 (B) Identifies the appropriate scope of further disclosure.

10 (o) Agencies disseminating information to the public pursuant
11 to Section 290.4 shall maintain records of those persons requesting
12 to view the CD-ROM or other electronic media for a minimum of
13 five years. Agencies disseminating information to the public
14 pursuant to subdivision (n) shall maintain records of the means and
15 dates of dissemination for a minimum of five years.

16 (p) (1) Any law enforcement agency and employees of any
17 law enforcement agency shall be immune from liability for good
18 faith conduct under this section. For the purposes of this section,
19 “law enforcement agency” means the Attorney General of
20 California, every district attorney, the Department of Corrections,
21 the Department of the Youth Authority, and every state or local
22 agency expressly authorized by statute to investigate or prosecute
23 law violators.

24 (2) Any public or private educational institution, day care
25 facility, or any child care custodian described in Section 11165.7,
26 or any employee of a public or private educational institution or
27 day care facility which in good faith disseminates information as
28 authorized pursuant to paragraph (3) of subdivision (m) or
29 paragraph (4) of subdivision (n) that is provided by a law
30 enforcement agency or an employee of a law enforcement agency
31 shall be immune from civil liability.

32 (q) (1) Any person who uses information disclosed pursuant to
33 this section to commit a felony shall be punished, in addition and
34 consecutive to any other punishment, by a five-year term of
35 imprisonment in the state prison.

36 (2) Any person who uses information disclosed pursuant to this
37 section to commit a misdemeanor shall be subject to, in addition
38 to any other penalty or fine imposed, a fine of not less than five
39 hundred dollars (\$500) and not more than one thousand dollars
40 (\$1,000).

~~(r) The registration and public notification~~ *The registration*
provisions of this section are applicable to every person described
in this section, without regard to when his or her crimes were
committed or his or her duty to register pursuant to this section
arose, and to every offense described in this section, regardless of
when it was committed.

SEC. 2. Section 290.01 of the Penal Code is amended to read:

290.01. (a) (1) Commencing October 28, 2002, every
person required to register under Section 290 who is enrolled as a
student of any university, college, community college, or other
institution of higher learning, or is, with or without compensation,
a full-time or part-time employee of that university, college,
community college, or other institution of higher learning, or is
carrying on a vocation at the university, college, community
college, or other institution of higher learning, for more than 14
days, or for an aggregate period exceeding 30 days in a calendar
year, shall, in addition to the registration required by Section 290,
register with the campus police department within five working
days of commencing enrollment or employment at that university,
college, community college, or other institution of higher
learning, on a form as may be required by the Department of
Justice. The terms “employed or carries on a vocation” include
employment whether or not financially compensated,
volunteered, or performed for government or educational benefit.
The registrant shall also notify the campus police department
within five working days of ceasing to be enrolled or employed,
or ceasing to carry on a vocation, at the university, college,
community college, or other institution of higher learning.

(2) For purposes of this section, a campus police department is
a police department of the University of California, California
State University, or California Community College, established
pursuant to Section 72330, 89560, or 92600 of the Education
Code, or is a police department staffed with deputized or appointed
personnel with peace officer status as provided in Section 830.6 of
the Penal Code and is the law enforcement agency with the
primary responsibility for investigating crimes occurring on the
college or university campus on which it is located.

(b) If the university, college, community college, or other
institution of higher learning has no campus police department, the
registrant shall instead register pursuant to subdivision (a) with the

1 police of the city in which the campus is located or the sheriff of
2 the county in which the campus is located if the campus is located
3 in an unincorporated area or in a city that has no police department,
4 on a form as may be required by the Department of Justice. The
5 requirements of subdivisions (a) and (b) are in addition to the
6 requirements of Section 290.

7 (c) A first violation of this section is a misdemeanor punishable
8 by a fine not to exceed one thousand dollars (\$1,000). A second
9 violation of this section is a misdemeanor punishable by
10 imprisonment in a county jail for not more than six months, by a
11 fine not to exceed one thousand dollars (\$1,000), or by both that
12 imprisonment and fine. A third or subsequent violation of this
13 section is a misdemeanor punishable by imprisonment in a county
14 jail for not more than one year, by a fine not exceeding one
15 thousand dollars (\$1,000), or by both that imprisonment and fine.

16 (d) (1) (A) The following information regarding a registered
17 sex offender on campus who is not described in paragraph (1) of
18 subdivision (a) of Section 290.4 may be released to members of the
19 campus community by any campus police department or, if the
20 university, college, community college, or other institution of
21 higher learning has no police department, the police department or
22 sheriff's department with jurisdiction over the campus, and any
23 employees of those agencies, as required by Section 1092(f)(1)(I)
24 of Title 20 of the United States Code :

25 (i) The offender's full name.

26 (ii) The offender's known aliases.

27 (iii) The offender's gender.

28 (iv) The offender's race.

29 (v) The offender's physical description.

30 (vi) The offender's photograph.

31 (vii) The offender's date of birth.

32 (viii) Crimes resulting in registration under Section 290.

33 (ix) The date of last registration or reregistration.

34 (B) The authority provided in this subdivision is in addition to
35 the authority of a peace officer or law enforcement agency to
36 provide information about a registered sex offender pursuant to
37 subdivisions (m) and (n) of Section 290 and subdivision (a) of
38 Section 290.4, and exists notwithstanding subdivision (i) of
39 Section 290, subdivision (c) of Section 290.4, or any other
40 provision of law.

(2) Any law enforcement entity and employees of any law enforcement entity listed in paragraph (1) shall be immune from civil or criminal liability for good faith conduct under this subdivision.

(3) Nothing in this subdivision shall be construed to authorize campus police departments or, if the university, college, community college, or other institution has no police department, the police department or sheriff's department with jurisdiction over the campus, to make disclosures about registrants intended to reach persons beyond the campus community.

(4) (A) Before being provided any information by an agency pursuant to this subdivision, a member of the campus community who requests that information shall sign a statement, on a form provided by the Department of Justice, stating that he or she is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the campus community to protect themselves and their children from sex offenders, and that he or she understands it is unlawful to use information obtained pursuant to this subdivision to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. The signed statement shall be maintained in a file in the agency's office for a minimum of five years.

(B) An agency disseminating printed information pursuant to this subdivision shall maintain records of the means and dates of dissemination for a minimum of five years.

(5) For purposes of this subdivision, "campus community" means those persons present at, and those persons regularly frequenting, any place associated with an institution of higher education, including campuses; administrative and educational offices; laboratories; satellite facilities owned or utilized by the institution for educational instruction, business, or institutional events; and public areas contiguous to any campus or facility that are regularly frequented by students, employees, or volunteers of the campus.

~~SEC. 2.~~

SEC. 3. Section 290.4 of the Penal Code is amended to read:

290.4. (a) (1) The Department of Justice shall continually compile information as described in paragraph (2) regarding any person required to register under Section 290 for a conviction of

1 Section 207 or 209 committed with the intent to violate Section
2 261, 286, 288, 288a, or 289; Section 220, except assault to commit
3 mayhem; Section 243.4, provided that the offense is a felony;
4 paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261;
5 Section 264.1; Section 266, provided that the offense is a felony;
6 Section 266c, provided that the offense is a felony; Section 266j;
7 Section 267; Section 269; paragraph (1) of subdivision (b) of
8 Section 286, provided that the offense is a felony; paragraph (2)
9 of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of
10 Section 286; Section 288; paragraph (1) of subdivision (b) of
11 Section 288a, provided that the offense is a felony; paragraph (2)
12 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;
13 Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of
14 Section 289, provided that the offense is a felony; subdivision (i)
15 or (j) of Section 289; Section 647.6; or the attempted commission
16 of any of these offenses; or the statutory predecessor of any of
17 these offenses or any offense which, if committed or attempted in
18 this state, would have been punishable as one or more of the
19 offenses described in this section. This requirement shall not be
20 applied to a person whose duty to register has been terminated
21 pursuant to paragraph (5) of subdivision (d) of Section 290, or to
22 a person who has been relieved of his or her duty to register under
23 Section 290.5.

24 (2) The information shall be categorized by community of
25 residence and ZIP Code. The information shall include the names
26 and known aliases of the person, photograph, a physical
27 description, gender, race, date of birth, the criminal history, and the
28 address, including ZIP Code, in which the person resides, and any
29 other information that the Department of Justice deems relevant,
30 not including information that would identify the victim.

31 (3) The department shall operate a “900” telephone number
32 that members of the public may call and inquire whether a named
33 individual is listed among those described in this subdivision. The
34 caller shall furnish his or her first name, middle initial, and last
35 name. The department shall ascertain whether a named person
36 reasonably appears to be a person so listed and provide the caller
37 with the information described in paragraph (2), except the
38 department shall not disclose the name or address of a listed
39 person’s employer, or the street address or criminal history of a
40 person listed, except to disclose the ZIP Code area in which the

1 person resides and to describe the specific crimes for which the
2 registrant was required to register. The department shall decide
3 whether the named person reasonably appears to be a person listed,
4 based upon information from the caller providing information that
5 shall include (A) an exact street address, including apartment
6 number, social security number, California driver's license or
7 identification number, or birth date along with additional
8 information that may include any of the following: name, hair
9 color, eye color, height, weight, distinctive markings, ethnicity; or
10 (B) any combination of at least six of the above listed
11 characteristics if an exact birth date or address is not available. If
12 three of the characteristics provided include ethnicity, hair color,
13 and eye color, a seventh identifying characteristic shall be
14 provided. Any information identifying the victim by name, birth
15 date, address, or relation to the registrant shall be excluded by the
16 department.

17 (4) (A) On or before July 1, 1997, the department shall provide
18 a CD-ROM or other electronic medium containing the information
19 described in paragraph (2), except the name or address of a listed
20 person's employer, or the listed person's street address and
21 criminal history other than the specific crimes for which the person
22 was required to register, for all persons described in paragraph (1)
23 of subdivision (a), and shall update and distribute the CD-ROM or
24 other electronic medium on a monthly basis to the sheriff's
25 department in each county, municipal police departments of cities
26 with a population of more than 200,000, and each law enforcement
27 agency listed in subparagraph (I) of paragraph (1) of subdivision
28 ~~(n)~~ (b) of Section 290.45. These law enforcement agencies
29 may obtain additional copies by purchasing a yearly subscription
30 to the CD-ROM or other electronic medium from the Department
31 of Justice for a yearly subscription fee. The Department of Justice,
32 the sheriff's departments, and the municipal police departments of
33 cities with a population of more than 200,000 shall make, and the
34 other law enforcement agencies may make, the CD-ROM or other
35 electronic medium available for viewing by the public in
36 accordance with the following: The agency may require that a
37 person applying to view the CD-ROM or other electronic medium
38 express an articulable purpose in order to have access thereto. The
39 applicant shall provide identification in the form of a California
40 driver's license, California identification card, or military

1 identification card and orders with proof of permanent assignment
2 or attachment to a military command or vessel in California,
3 showing the applicant to be at least 18 years of age. The applicant
4 shall sign a statement, on a form provided by the Department of
5 Justice, stating that the applicant is not a registered sex offender,
6 that he or she understands the purpose of the release of information
7 is to allow members of the public to protect themselves and their
8 children from sex offenders, and he or she understands it is
9 unlawful to use information obtained from the CD-ROM or other
10 electronic medium to commit a crime against any registrant or to
11 engage in illegal discrimination or harassment of any registrant.
12 The signed statement shall be maintained in a file in the designated
13 law enforcement agency's office. A person under 18 years of age
14 may accompany an applicant who is that person's parent or legal
15 guardian for the purpose of viewing the CD-ROM or other
16 electronic medium.

17 (B) The records of persons requesting to view the CD-ROM or
18 other electronic medium are confidential, except that a copy of the
19 applications requesting to view the CD-ROM or other electronic
20 medium may be disclosed to law enforcement agencies for law
21 enforcement purposes.

22 (C) Any information identifying the victim by name, birth date,
23 address, or relationship to the registrant shall be excluded from the
24 CD-ROM or other electronic medium.

25 (5) (A) The income from the operation of the "900" telephone
26 number shall be deposited in the Sexual Predator Public
27 Information Account, which is hereby established within the
28 Department of Justice for the purpose of the implementation of this
29 section by the Department of Justice, including all actual and
30 reasonable costs related to establishing and maintaining the
31 information described in subdivision (a) and the CD-ROM or
32 other electronic medium described in this subdivision.

33 (B) The moneys in the Sexual Predator Public Information
34 Account shall consist of income from the operation of the "900"
35 telephone number program authorized by this section, proceeds of
36 the loan made pursuant to Section 6 of the act adding this section,
37 and any other funds made available to the account by the
38 Legislature. Moneys in the account shall be available to the
39 Department of Justice upon appropriation by the Legislature for
40 the purpose specified in subparagraph (A).



(C) When the “900” telephone number is called, a preamble shall be played before charges begin to accrue. The preamble shall run at least the length of time required by federal law and shall provide the following information:

(i) Notice that the caller’s telephone number will be recorded.

(ii) The charges for use of the “900” telephone number.

(iii) Notice that the caller is required to identify himself or herself to the operator.

(iv) Notice that the caller is required to be 18 years of age or older.

(v) A warning that it is illegal to use information obtained through the “900” telephone number to commit a crime against any registrant or to engage in illegal discrimination or harassment against any registrant.

(vi) Notice that the caller is required to have the birth date, California driver’s license or identification number, social security number, address, or other identifying information regarding the person about whom information is sought in order to achieve a positive identification of that person.

(vii) A statement that the number is not a crime hotline and that any suspected criminal activity should be reported to local authorities.

(viii) A statement that the caller should have a reasonable suspicion that a person is at risk.

(D) The Department of Justice shall expend no more than six hundred thousand dollars (\$600,000) per year from any moneys appropriated by the Legislature from the account.

(b) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment in the state prison.

(2) Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(c) The record of the compilation of offender information on each CD-ROM or other electronic medium distributed pursuant to this section shall be used only for law enforcement purposes and the public safety purposes specified in this section and ~~Section~~

1 *Sections 290 and 290.45.* This record shall not be distributed or
2 removed from the custody of the law enforcement agency that is
3 authorized to retain it. Information obtained from this record shall
4 be disclosed to a member of the public only as provided in this
5 section ~~or~~, Section 290, 290.45, or any other statute expressly
6 authorizing it.

7 Any person who copies, distributes, discloses, or receives this
8 record or information from it, except as authorized by law, is guilty
9 of a misdemeanor, punishable by imprisonment in a county jail not
10 to exceed six months, or by a fine not exceeding one thousand
11 dollars (\$1,000), or by both that imprisonment and fine. This
12 subdivision shall not apply to a law enforcement officer who
13 makes a copy as part of his or her official duties in the course of
14 a criminal investigation, court case, or as otherwise authorized by
15 subdivision ~~(a)~~ (b) of Section ~~290~~ 290.45. This subdivision shall
16 not prohibit copying information by handwriting.

17 Notwithstanding Section 6254.5 of the Government Code,
18 disclosure of information pursuant to this section is not a waiver
19 of exemptions under Chapter 3.5 (commencing with Section
20 6250) of Title 1 of Division 7 of the Government Code and does
21 not affect other statutory restrictions on disclosure in other
22 situations.

23 (d) Unauthorized removal or destruction of the CD-ROM or
24 other electronic medium from the offices of any law enforcement
25 agency is a misdemeanor, punishable by imprisonment in a county
26 jail not to exceed one year, or by a fine not exceeding one thousand
27 dollars (\$1,000), or by both that imprisonment and fine.

28 (e) (1) A person is authorized to use information disclosed
29 pursuant to this section only to protect a person at risk.

30 This section shall not affect authorized access to, or use of,
31 information pursuant to, among other provisions, Sections 11105
32 and 11105.3 of this code, Section 226.55 of the Civil Code,
33 Sections 777.5 and 14409.2 of the Financial Code, Sections
34 1522.01 and 1596.871 of the Health and Safety Code, and Section
35 432.7 of the Labor Code.

36 (2) Except as authorized under paragraph (1) or any other
37 provision of law, use of any information that is disclosed pursuant
38 to this section for purposes of relating to any of the following is
39 prohibited:

40 (A) Health insurance.

1 (B) Insurance.

2 (C) Loans.

3 (D) Credit.

4 (E) Employment.

5 (F) Education, scholarships, or fellowships.

6 (G) Housing or accommodations.

7 (H) Benefits, privileges, or services provided by any business
8 establishment.

9 (3) (A) Any use of information disclosed pursuant to this
10 section for purposes other than those provided by paragraph (1) of
11 ~~subdivision (e)~~ or in violation of paragraph (2) of ~~subdivision (e)~~
12 shall make the user liable for the actual damages, and any amount
13 that may be determined by a jury or a court sitting without a jury,
14 not exceeding three times the amount of actual damage, and not
15 less than two hundred fifty dollars (\$250), and attorney's fees,
16 exemplary damages, or a civil penalty not exceeding twenty-five
17 thousand dollars (\$25,000).

18 (B) Whenever there is reasonable cause to believe that any
19 person or group of persons is engaged in a pattern or practice of
20 misuse of the "900" telephone number in violation of paragraph
21 (2) of ~~subdivision (e)~~, the Attorney General, any district attorney,
22 or city attorney, or any person aggrieved by the misuse of that
23 number is authorized to bring a civil action in the appropriate court
24 requesting preventive relief, including an application for a
25 permanent or temporary injunction, restraining order, or other
26 order against the person or group of persons responsible for the
27 pattern or practice of misuse. The foregoing remedies shall be
28 independent of any other remedies or procedures that may be
29 available to an aggrieved party under other provisions of law,
30 including Part 2 (commencing with Section 43) of Division 1 of
31 the Civil Code.

32 (f) This section shall not be deemed to authorize the
33 publication, distribution, or disclosure of the address of any person
34 about whom information can be published, distributed, or
35 disclosed pursuant to this section.

36 (g) Community notification shall be governed by ~~subdivisions~~
37 ~~(m) and (n) of Section 290.290.45.~~

38 (h) The Department of Justice shall submit to the Legislature
39 an annual report on the operation of the "900" telephone number
40 required by paragraph (3) of subdivision (a) on July 1, 1996, July

1 1, 1997, and July 1, 1998. The annual report shall include all of the
2 following:

3 (1) Number of calls received.

4 (2) Amount of income earned per year through operation of the
5 “900” telephone number.

6 (3) A detailed outline of the amount of money expended and the
7 manner in which it was expended for purposes of this section.

8 (4) Number of calls that resulted in an affirmative response and
9 the number of calls that resulted in a negative response with regard
10 to whether a named individual was listed pursuant to subdivision
11 (a).

12 (5) Number of persons listed pursuant to subdivision (a).

13 (6) A summary of the success of the “900” telephone number
14 program based upon selected factors.

15 (i) Any law enforcement agency and employees of any law
16 enforcement agency shall be immune from liability for good faith
17 conduct under this section. For the purposes of this section, “law
18 enforcement agency” means the Attorney General of California,
19 every district attorney, the Department of Corrections, the
20 Department of the Youth Authority, and every state or local agency
21 expressly authorized by statute to investigate or prosecute law
22 violators.

23 (j) On or before July 1, 2000, the Department of Justice shall
24 make a report to the Legislature concerning the changes to the
25 operation of the “900” telephone number program made by the
26 amendments to this section by Chapter 908 of the Statutes of 1996.
27 The report shall include all of the following:

28 (1) Number of calls received by county.

29 (2) Number of calls that resulted in an affirmative response and
30 the number of calls that resulted in a negative response with regard
31 to whether a named individual was listed pursuant to subdivision
32 (a).

33 (3) Number of persons listed pursuant to subdivision (a).

34 (4) Statistical information concerning prosecutions of persons
35 for misuse of the “900” telephone number program, including the
36 outcomes of those prosecutions.

37 (5) A summary of the success of the “900” telephone number
38 based upon selected factors.

39 (k) The registration and public notification provisions of this
40 section are applicable to every person described in these sections,

without regard to when his or her crimes were committed or his or her duty to register pursuant to ~~this section~~ Section 290 arose, and to every offense described in these sections, regardless of when it was committed.

(l) No later than December 31, 1998, the Department of Justice shall prepare an informational pamphlet that shall be mailed to any member of the public who makes an inquiry using the “900” telephone number required by this section and who provides an address. The pamphlet shall provide basic information concerning appropriate steps parents, guardians, and other responsible adults can take to ensure a child is safe from a suspected child molester, including, but not limited to, how to identify suspicious activity by an adult, common facts and myths about child molesters, and how to obtain additional help and information. A notice to callers to the “900” telephone number that they will receive the pamphlet, if an address is provided, shall be included in the preamble required by this section.

(m) On or before July 1, 2001, and every year thereafter, the Department of Justice shall make a report to the Legislature concerning the operation of this section.

(n) *Agencies disseminating information to the public pursuant to this section shall maintain records of those persons requesting to view the CD-ROM or other electronic media for a minimum of five years.*

(o) This section shall remain operative only until January 1, 2004 2007, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before that date, deletes or extends that date.

SEC. 3.1. Section 290.4 of the Penal Code is amended to read:

290.4. (a) (1) The Department of Justice shall continually compile information as described in paragraph (2) regarding any person required to register under Section 290 for a conviction of Section 207 or 209 committed with the intent to violate Section 261, 286, 288, 288a, or 289; Section 220, except assault to commit mayhem; Section 243.4, provided that the offense is a felony; paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261; Section 264.1; Section 266, provided that the offense is a felony; Section 266c, provided that the offense is a felony; Section 266j; Section 267; Section 269; paragraph (1) of subdivision (b) of Section 286, provided that the offense is a felony; paragraph (2)

1 of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of
2 Section 286; Section 288; paragraph (1) of subdivision (b) of
3 Section 288a, provided that the offense is a felony; paragraph (2)
4 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;
5 Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of
6 Section 289, provided that the offense is a felony; subdivision (i)
7 or (j) of Section 289; Section 647.6; or the attempted commission
8 of any of these offenses; or the statutory predecessor of any of
9 these offenses or any offense which, if committed or attempted in
10 this state, would have been punishable as one or more of the
11 offenses described in this section. This requirement shall not be
12 applied to a person whose duty to register has been terminated
13 pursuant to paragraph (5) of subdivision (d) of Section 290, or to
14 a person who has been relieved of his or her duty to register under
15 Section 290.5.

16 (2) The information shall be categorized by community of
17 residence and ZIP Code. The information shall include the names
18 and known aliases of the person, a photograph, a physical
19 description, gender, race, date of birth, the criminal history, and the
20 address, including ZIP Code, in which the person resides, and any
21 other information that the Department of Justice deems relevant,
22 not including information that would identify the victim.

23 (3) The department shall operate a “900” telephone number
24 that members of the public may call and inquire whether a named
25 individual is listed among those described in this subdivision. The
26 caller shall furnish his or her first name, middle initial, and last
27 name. The department shall ascertain whether a named person
28 reasonably appears to be a person so listed and provide the caller
29 with the information described in paragraph (2), except the
30 department shall not disclose the name or address of a listed
31 person’s employer, or the street address or criminal history of a
32 person listed, except to disclose the ZIP Code area in which the
33 person resides and to describe the specific crimes for which the
34 registrant was required to register. The department shall decide
35 whether the named person reasonably appears to be a person listed,
36 based upon information from the caller providing information that
37 shall include (A) an exact street address, including apartment
38 number, social security number, California driver’s license or
39 identification number, or birth date along with additional
40 information that may include any of the following: name, hair

color, eye color, height, weight, distinctive markings, ethnicity; or (B) any combination of at least six of the ~~above-listed~~ *above-listed* characteristics if an exact birth date or address is not available. If three of the characteristics provided include ethnicity, hair color, and eye color, a seventh identifying characteristic shall be provided. Any information identifying the victim by name, birth date, address, or relation to the registrant shall be excluded by the department.

(4) (A) ~~On or before July 1, 1997, the~~ *The* department shall provide a CD-ROM or other electronic medium containing the information described in paragraph (2), except the name or address of a listed person's employer, or the listed person's street address and criminal history other than the specific crimes for which the person was required to register, for all persons described in paragraph (1) of subdivision (a), and shall update and distribute the CD-ROM or other electronic medium ~~on a monthly basis~~, to the sheriff's department in each county, municipal police departments of cities with a population of more than 200,000, and each law enforcement agency listed in subparagraph (I) of paragraph (1) of subdivision ~~(a)~~ *(b)* of Section ~~290~~ *290.45*, *except that school district police departments may receive the information only upon request*. These law enforcement agencies may obtain additional copies by purchasing a yearly subscription to the CD-ROM or other electronic medium from the Department of Justice for a yearly subscription fee. The Department of Justice, the ~~sheriff's~~ *sheriffs'* departments, and the municipal police departments of cities with a population of more than 200,000 shall make, and the other law enforcement agencies may make, the CD-ROM or other electronic medium available for viewing by the public in accordance with the following: The agency may require that a person applying to view the CD-ROM or other electronic medium express an articulable purpose in order to have access thereto. The applicant shall provide identification in the form of a California driver's license, California identification card, or military identification card and orders with proof of permanent assignment or attachment to a military command or vessel in California, showing the applicant to be at least 18 years of age. The applicant shall sign a statement, on a form provided by the Department of Justice, stating that the applicant is not a registered sex offender, that he or she understands the purpose of the release of information

1 is to allow members of the public to protect themselves and their
2 children from sex offenders, and he or she understands it is
3 unlawful to use information obtained from the CD-ROM or other
4 electronic medium to commit a crime against any registrant or to
5 engage in illegal discrimination or harassment of any registrant.
6 The signed statement shall be maintained in a file in the designated
7 law enforcement agency's office. A person under 18 years of age
8 may accompany an applicant who is that person's parent or legal
9 guardian for the purpose of viewing the CD-ROM or other
10 electronic medium.

11 (B) The records of persons requesting to view the CD-ROM or
12 other electronic medium are confidential, except that a copy of the
13 applications requesting to view the CD-ROM or other electronic
14 medium may be disclosed to law enforcement agencies for law
15 enforcement purposes.

16 (C) Any information identifying the victim by name, birth date,
17 address, or relationship to the registrant shall be excluded from the
18 CD-ROM or other electronic medium.

19 (5) (A) The income from the operation of the "900" telephone
20 number shall be deposited in the Sexual Predator Public
21 Information Account, which is hereby established within the
22 Department of Justice for the purpose of the implementation of this
23 section by the Department of Justice, including all actual and
24 reasonable costs related to establishing and maintaining the
25 information described in subdivision (a) and the CD-ROM or
26 other electronic medium described in this subdivision.

27 (B) The moneys in the Sexual Predator Public Information
28 Account shall consist of income from the operation of the "900"
29 telephone number program authorized by this section, proceeds of
30 the loan made pursuant to Section 6 of the act adding this section,
31 and any other funds made available to the account by the
32 Legislature. Moneys in the account shall be available to the
33 Department of Justice upon appropriation by the Legislature for
34 the purpose specified in subparagraph (A).

35 (C) When the "900" telephone number is called, a preamble
36 shall be played before charges begin to accrue. The preamble shall
37 run at least the length of time required by federal law and shall
38 provide the following information:

- 39 (i) Notice that the caller's telephone number will be recorded.
40 (ii) The charges for use of the "900" telephone number.

1 (iii) Notice that the caller is required to identify himself or
2 herself to the operator.

3 (iv) Notice that the caller is required to be 18 years of age or
4 older.

5 (v) A warning that it is illegal to use information obtained
6 through the “900” telephone number to commit a crime against
7 any registrant or to engage in illegal discrimination or harassment
8 against any registrant.

9 (vi) Notice that the caller is required to have the birth date,
10 California driver’s license or identification number, social security
11 number, address, or other identifying information regarding the
12 person about whom information is sought in order to achieve a
13 positive identification of that person.

14 (vii) A statement that the number is not a crime hotline and that
15 any suspected criminal activity should be reported to local
16 authorities.

17 (viii) A statement that the caller should have a reasonable
18 suspicion that a person is at risk.

19 (D) The Department of Justice shall expend no more than six
20 hundred thousand dollars (\$600,000) per year from any moneys
21 appropriated by the Legislature from the account.

22 (b) (1) Any person who uses information disclosed pursuant to
23 this section to commit a felony shall be punished, in addition and
24 consecutive to, any other punishment, by a five-year term of
25 imprisonment in the state prison.

26 (2) Any person who, without authorization, uses information
27 disclosed pursuant to this section to commit a misdemeanor shall
28 be subject to, in addition to any other penalty or fine imposed, a
29 fine of not less than five hundred dollars (\$500) and not more than
30 one thousand dollars (\$1,000).

31 (c) The record of the compilation of offender information on
32 each CD-ROM or other electronic medium distributed pursuant to
33 this section shall be used only for law enforcement purposes and
34 the public safety purposes specified in this section and ~~Section~~
35 *Sections 290 and 290.45*. This record shall not be distributed or
36 removed from the custody of the law enforcement agency that is
37 authorized to retain it. Information obtained from this record shall
38 be disclosed to a member of the public only as provided in this
39 section ~~or~~, Section 290, 290.45, or any other statute expressly
40 authorizing it.

1 Any person who copies, distributes, discloses, or receives this
2 record or information from it, except as authorized by law, is guilty
3 of a misdemeanor, punishable by imprisonment in a county jail not
4 to exceed six months, or by a fine not exceeding one thousand
5 dollars (\$1,000), or by both that imprisonment and fine. This
6 subdivision shall not apply to a law enforcement officer who
7 makes a copy as part of his or her official duties in the course of
8 a criminal investigation, court case, or as otherwise authorized by
9 subdivision ~~(a)~~ (b) of Section ~~290~~ 290.45. This subdivision shall
10 not prohibit copying information by handwriting.

11 Notwithstanding Section 6254.5 of the Government Code,
12 disclosure of information pursuant to this section is not a waiver
13 of exemptions under Chapter 3.5 (commencing with Section
14 6250) of Title 1 of Division 7 of the Government Code and does
15 not affect other statutory restrictions on disclosure in other
16 situations.

17 (d) Unauthorized removal or destruction of the CD-ROM or
18 other electronic medium from the offices of any law enforcement
19 agency is a misdemeanor, punishable by imprisonment in a county
20 jail not to exceed one year, or by a fine not exceeding one thousand
21 dollars (\$1,000), or by both that imprisonment and fine.

22 (e) (1) A person is authorized to use information disclosed
23 pursuant to this section only to protect a person at risk.

24 This section shall not affect authorized access to, or use of,
25 information pursuant to, among other provisions, Sections 11105
26 and 11105.3 of this code, Section 226.55 of the Civil Code,
27 Sections 777.5 and 14409.2 of the Financial Code, Sections
28 1522.01 and 1596.871 of the Health and Safety Code, and Section
29 432.7 of the Labor Code.

30 (2) Except as authorized under paragraph (1) or any other
31 provision of law, use of any information that is disclosed pursuant
32 to this section for purposes of relating to any of the following is
33 prohibited:

- 34 (A) Health insurance.
- 35 (B) Insurance.
- 36 (C) Loans.
- 37 (D) Credit.
- 38 (E) Employment.
- 39 (F) Education, scholarships, or fellowships.
- 40 (G) Housing or accommodations.



1 (H) Benefits, privileges, or services provided by any business
2 establishment.

3 (3) (A) Any use of information disclosed pursuant to this
4 section for purposes other than those provided by paragraph (1) of
5 ~~subdivision (e)~~ or in violation of paragraph (2) of ~~subdivision (e)~~
6 shall make the user liable for the actual damages, and any amount
7 that may be determined by a jury or a court sitting without a jury,
8 not exceeding three times the amount of actual damage, and not
9 less than two hundred fifty dollars (\$250), and attorney's fees,
10 exemplary damages, or a civil penalty not exceeding twenty-five
11 thousand dollars (\$25,000).

12 (B) Whenever there is reasonable cause to believe that any
13 person or group of persons is engaged in a pattern or practice of
14 misuse of the "900" telephone number in violation of paragraph
15 (2) of ~~subdivision (e)~~, the Attorney General, any district attorney,
16 or city attorney, or any person aggrieved by the misuse of that
17 number is authorized to bring a civil action in the appropriate court
18 requesting preventive relief, including an application for a
19 permanent or temporary injunction, restraining order, or other
20 order against the person or group of persons responsible for the
21 pattern or practice of misuse. The foregoing remedies shall be
22 independent of any other remedies or procedures that may be
23 available to an aggrieved party under other provisions of law,
24 including Part 2 (commencing with Section 43) of Division 1 of
25 the Civil Code.

26 (f) This section shall not be deemed to authorize the
27 publication, distribution, or disclosure of the address of any person
28 about whom information can be published, distributed, or
29 disclosed pursuant to this section.

30 (g) Community notification shall be governed by ~~subdivisions~~
31 ~~(m) and (n) of Section 290.45.~~

32 (h) The Department of Justice shall submit to the Legislature
33 an annual report on the operation of the "900" telephone number
34 required by paragraph (3) of subdivision (a) on July 1, 1996, July
35 1, 1997, and July 1, 1998. The annual report shall include all of the
36 following:

37 (1) Number of calls received.

38 (2) Amount of income earned per year through operation of the
39 "900" telephone number.

1 (3) A detailed outline of the amount of money expended and the
2 manner in which it was expended for purposes of this section.

3 (4) Number of calls that resulted in an affirmative response and
4 the number of calls that resulted in a negative response with regard
5 to whether a named individual was listed pursuant to subdivision
6 (a).

7 (5) Number of persons listed pursuant to subdivision (a).

8 (6) A summary of the success of the “900” telephone number
9 program based upon selected factors.

10 (i) Any law enforcement agency and employees of any law
11 enforcement agency shall be immune from liability for good faith
12 conduct under this section. For the purposes of this section, “law
13 enforcement agency” means the Attorney General of California,
14 every district attorney, the Department of Corrections, the
15 Department of the Youth Authority, and every state or local agency
16 expressly authorized by statute to investigate or prosecute law
17 violators.

18 (j) On or before July 1, 2000, the Department of Justice shall
19 make a report to the Legislature concerning the changes to the
20 operation of the “900” telephone number program made by the
21 amendments to this section by Chapter 908 of the Statutes of 1996.
22 The report shall include all of the following:

23 (1) Number of calls received by county.

24 (2) Number of calls that resulted in an affirmative response and
25 the number of calls that resulted in a negative response with regard
26 to whether a named individual was listed pursuant to subdivision
27 (a).

28 (3) Number of persons listed pursuant to subdivision (a).

29 (4) Statistical information concerning prosecutions of persons
30 for misuse of the “900” telephone number program, including the
31 outcomes of those prosecutions.

32 (5) A summary of the success of the “900” telephone number
33 based upon selected factors.

34 (k) The registration and public notification provisions of this
35 section are applicable to every person described in these sections,
36 without regard to when his or her crimes were committed or his or
37 her duty to register pursuant to ~~this section~~ *Section 290* arose, and
38 to every offense described in these sections, regardless of when it
39 was committed.

(l) No later than December 31, 1998, the Department of Justice shall prepare an informational pamphlet that shall be mailed to any member of the public who makes an inquiry using the “900” telephone number required by this section and who provides an address. The pamphlet shall provide basic information concerning appropriate steps parents, guardians, and other responsible adults can take to ensure a child is safe from a suspected child molester, including, but not limited to, how to identify suspicious activity by an adult, common facts and myths about child molesters, and how to obtain additional help and information. A notice to callers to the “900” telephone number that they will receive the pamphlet, if an address is provided, shall be included in the preamble required by this section.

(m) On or before July 1, 2001, and every year thereafter, the Department of Justice shall make a report to the Legislature concerning the operation of this section.

(n) *Agencies disseminating information to the public pursuant to this section shall maintain records of those persons requesting to view the CD-ROM or other electronic media for a minimum of five years.*

(o) This section shall remain operative only until January 1, ~~2004~~ 2007, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before that date, deletes or extends that date.

SEC. 4. *Section 290.45 is added to the Penal Code, to read:*

290.45. (a) (1) *When a peace officer reasonably suspects, based on information that has come to his or her attention through information provided by any peace officer or member of the public, that a child or other person may be at risk from a sex offender convicted of a crime listed in paragraph (1) of subdivision (a) of Section 290.4, a law enforcement agency may, notwithstanding any other provision of law, provide any of the information specified in paragraph (4) of this subdivision about that registered sex offender that the agency deems relevant and necessary to protect the public, to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following:*

(A) *Public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender.*

1 (B) *Other community members at risk.*

2 (2) *The law enforcement agency may authorize persons and*
3 *entities who receive the information pursuant to paragraph (1) to*
4 *disclose information to additional persons only if the agency does*
5 *the following:*

6 (A) *Determines that all conditions set forth in paragraph (1)*
7 *have been satisfied regarding disclosure to the additional persons.*

8 (B) *Identifies the appropriate scope of further disclosure.*

9 (3) *Persons notified pursuant to paragraph (1) may disclose*
10 *the information provided by the law enforcement agency in the*
11 *manner and to the extent authorized by the law enforcement*
12 *agency.*

13 (4) *The information that may be disclosed pursuant to this*
14 *section includes the following:*

15 (A) *The offender's full name.*

16 (B) *The offender's known aliases.*

17 (C) *The offender's gender.*

18 (D) *The offender's race.*

19 (E) *The offender's physical description.*

20 (F) *The offender's photograph.*

21 (G) *The offender's date of birth.*

22 (H) *Crimes resulting in registration under Section 290.*

23 (I) *The offender's address, which must be verified prior to*
24 *publication.*

25 (J) *Description and license plate number of offender's vehicles*
26 *or vehicles the offender is known to drive.*

27 (K) *Type of victim targeted by the offender.*

28 (L) *Relevant parole or probation conditions, such as one*
29 *prohibiting contact with children.*

30 (M) *Dates of crimes resulting in classification under Section*
31 *290.*

32 (N) *Date of release from confinement.*

33 (O) *The offender's enrollment, employment, or vocational*
34 *status with any university, college, community college, or other*
35 *institution of higher learning.*

36 *However, information disclosed pursuant to this subdivision*
37 *shall not include information that would identify the victim.*

38 (5) *If a law enforcement agency discloses information pursuant*
39 *to this subdivision, it shall include, with the disclosure, a statement*
40 *that the purpose of the release of the information is to allow*

1 *members of the public to protect themselves and their children from*
2 *sex offenders.*

3 *(6) For purposes of this section, “likely to encounter” means*
4 *both of the following:*

5 *(A) That the agencies, organizations, or other community*
6 *members are in a location or in close proximity to a location where*
7 *the offender lives or is employed, or that the offender visits or is*
8 *likely to visit on a regular basis.*

9 *(B) The types of interaction that ordinarily occur at that*
10 *location and other circumstances indicate that contact with the*
11 *offender is reasonably probable.*

12 *(7) For purposes of this section, “reasonably suspects” means*
13 *that it is objectively reasonable for a peace officer to entertain a*
14 *suspicion, based upon facts that could cause a reasonable person*
15 *in a like position, drawing when appropriate on his or her training*
16 *and experience, to suspect that a child or other person is at risk.*

17 *(8) For purposes of this section, “at risk” means a person is or*
18 *may be exposed to a risk of becoming a victim of a sex offense*
19 *committed by the offender.*

20 *(9) A law enforcement agency may continue to disclose*
21 *information on an offender under this subdivision for as long as the*
22 *offender is included in Section 290.4.*

23 *(b) In addition to the procedures set forth elsewhere in this*
24 *section, a designated law enforcement entity may advise the public*
25 *of the presence of high-risk sex offenders in its community*
26 *pursuant to this subdivision.*

27 *(1) For purposes of this subdivision:*

28 *(A) A high-risk sex offender is a person who has been convicted*
29 *of an offense specified in paragraph (1) of subdivision (a) of*
30 *Section 290.4, and also meets one of the following criteria:*

31 *(i) Has been convicted of three or more violent sex offenses, at*
32 *least two of which were brought and tried separately.*

33 *(ii) Has been convicted of two violent sex offenses and one or*
34 *more violent nonsex offenses, at least two of which were brought*
35 *and tried separately.*

36 *(iii) Has been convicted of one violent sex offense and two or*
37 *more violent nonsex offenses, at least two of which were brought*
38 *and tried separately.*

39 *(iv) Has been convicted of either two violent sex offenses or one*
40 *violent sex offense and one violent nonsex offense, at least two of*

1 *which were brought and tried separately, and has been arrested on*
2 *separate occasions for three or more violent sex offenses, violent*
3 *nonsex offenses, or associated offenses.*

4 *(v) Has been adjudicated a sexually violent predator pursuant*
5 *to Article 4 (commencing with Section 6600) of Chapter 2 of Part*
6 *2 of Division 6 of the Welfare and Institutions Code.*

7 *(B) A violent sex offense means any offense defined in Section*
8 *220, except attempt to commit mayhem, or Section 261, 264.1,*
9 *286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily*
10 *injury during the commission of a sex offense, as provided in*
11 *Section 12022.8.*

12 *(C) A violent nonsex offense means any offense defined in*
13 *Section 187, subdivision (a) of Section 192, or Section 203, 206,*
14 *207, or 236, provided that the offense is a felony, subdivision (a)*
15 *of Section 273a, Section 273d or 451, or attempted murder, as*
16 *defined in Sections 187 and 664.*

17 *(D) An associated offense means any offense defined in Section*
18 *243.4, provided that the offense is a felony, Section 311.1, 311.2,*
19 *311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459, provided the*
20 *offense is of the first degree, Section 597 or 646.9, subdivision (d),*
21 *(h), or (i) of Section 647, Section 653m, or infliction of great bodily*
22 *injury during the commission of a felony, as defined in Section*
23 *12022.7.*

24 *(E) For purposes of subparagraphs (B) to (D), inclusive, an*
25 *arrest or conviction for the statutory predecessor of any of the*
26 *enumerated offenses, or an arrest or conviction in any other*
27 *jurisdiction for any offense that, if committed or attempted in this*
28 *state, would have been punishable as one or more of the offenses*
29 *described in those subparagraphs, is to be considered in*
30 *determining whether an offender is a high-risk sex offender.*

31 *(F) For purposes of subparagraphs (B) to (D), inclusive, an*
32 *arrest as a juvenile or an adjudication as a ward of the juvenile*
33 *court within the meaning of Section 602 of the Welfare and*
34 *Institutions Code for any of the offenses described in those*
35 *subparagraphs is to be considered in determining whether an*
36 *offender is a high-risk sex offender.*

37 *(G) Notwithstanding subparagraphs (A) to (D), inclusive, an*
38 *offender shall not be considered to be a high-risk sex offender if*
39 *either of the following apply:*

(i) *The offender's most recent conviction or arrest for an offense described in subparagraphs (B) to (D), inclusive, occurred more than five years prior to the high-risk assessment by the Department of Justice, excluding periods of confinement.*

(ii) *The offender notifies the Department of Justice, on a form approved by the department and available at any sheriff's office, that he or she has not been convicted in the preceding 15 years, excluding periods of confinement, of an offense for which registration is required under paragraph (2) of subdivision (a) of Section 290, and the department is able, upon exercise of reasonable diligence, to verify the information provided in paragraph (2).*

(H) *"Confinement" means confinement in a jail, prison, school, road camp, or other penal institution, confinement in a state hospital to which the offender was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or confinement in a facility designated by the Director of Mental Health to which the offender was committed as a sexually violent predator under Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.*

(I) *"Designated law enforcement entity" means any of the following: municipal police department; sheriff's department; district attorney's office; county probation department; Department of Justice; Department of Corrections; Department of the Youth Authority; Department of the California Highway Patrol; or the police department of any campus of the University of California, California State University, or community college.*

(2) *The Department of Justice shall continually search the records provided to it pursuant to subdivision (b) of Section 290 and identify, on the basis of those records, high-risk sex offenders. Four times each year, the department shall provide to each chief of police and sheriff in the state, and to any other designated law enforcement entity upon request, the following information regarding each identified high-risk sex offender: full name; known aliases; gender; race; physical description; photograph; date of birth; and crimes resulting in classification under this section.*

(3) *The Department of Justice and any designated law enforcement entity to which notice has been given pursuant to*

1 paragraph (2) may cause to be made public, by whatever means
2 the agency deems necessary to ensure the public safety, based upon
3 information available to the agency concerning a specific person,
4 including, but not limited to, the information described in
5 paragraph (2); the offender's address, which shall be verified
6 prior to publication; description and license plate number of the
7 offender's vehicles or vehicles the offender is known to drive; type
8 of victim targeted by the offender; relevant parole or probation
9 conditions, such as one prohibiting contact with children; dates of
10 crimes resulting in classification under this section; and date of
11 release from confinement; but excluding information that would
12 identify the victim.

13 (4) Notwithstanding any other provision of law, any person
14 described in paragraph (2) of subdivision (d) who receives
15 information from a designated law enforcement entity pursuant to
16 paragraph (3) may disclose that information in the manner and to
17 the extent authorized by the law enforcement entity.

18 (5) The law enforcement agency may authorize persons and
19 entities who receive the information pursuant to paragraph (3) to
20 disclose information to additional persons only if the agency does
21 the following:

22 (A) Determines that all conditions set forth in this subdivision
23 have been satisfied regarding disclosure to the additional persons.

24 (B) Identifies the appropriate scope of further disclosure.

25 (c) Agencies disseminating information to the public pursuant
26 to subdivision (b) shall maintain records of the means and dates
27 of dissemination for a minimum of five years.

28 (d) (1) Any law enforcement agency and employees of any law
29 enforcement agency shall be immune from liability for good faith
30 conduct under this section. For the purposes of this section, "law
31 enforcement agency" means the Attorney General of California,
32 every district attorney, the Department of Corrections, the
33 Department of the Youth Authority, and every state or local agency
34 expressly authorized by statute to investigate or prosecute law
35 violators.

36 (2) Any public or private educational institution, day care
37 facility, or any child care custodian described in Section 11165.7,
38 or any employee of a public or private educational institution or
39 day care facility which in good faith disseminates information as
40 authorized pursuant to paragraph (3) of subdivision (a) or

1 paragraph (4) of subdivision (b) that is provided by a law
2 enforcement agency or an employee of a law enforcement agency
3 shall be immune from civil liability.

4 (e) (1) Any person who uses information disclosed pursuant to
5 this section to commit a felony shall be punished, in addition and
6 consecutive to any other punishment, by a five-year term of
7 imprisonment in the state prison.

8 (2) Any person who uses information disclosed pursuant to this
9 section to commit a misdemeanor shall be subject to, in addition
10 to any other penalty or fine imposed, a fine of not less than five
11 hundred dollars (\$500) and not more than one thousand dollars
12 (\$1,000).

13 (f) The public notification provisions of this section are
14 applicable to every person described in this section, without
15 regard to when his or her crimes were committed or his or her duty
16 to register pursuant to Section 290 arose, and to every offense
17 described in this section, regardless of when it was committed.

18 SEC. 4.1. Section 290.45 is added to the Penal Code, to read:

19 290.45. (a) (1) When a peace officer reasonably suspects,
20 based on information that has come to his or her attention through
21 information provided by any peace officer or member of the public,
22 that a child or other person may be at risk from a sex offender
23 convicted of a crime listed in paragraph (1) of subdivision (a) of
24 Section 290.4, a law enforcement agency may, notwithstanding
25 any other provision of law, provide any of the information specified
26 in paragraph (4) of this subdivision about that registered sex
27 offender that the agency deems relevant and necessary to protect
28 the public, to the following persons, agencies, or organizations the
29 offender is likely to encounter, including, but not limited to, the
30 following:

31 (A) Public and private educational institutions, day care
32 establishments, and establishments and organizations that
33 primarily serve individuals likely to be victimized by the offender.

34 (B) Other community members at risk.

35 (2) The law enforcement agency may authorize persons and
36 entities who receive the information pursuant to paragraph (1) to
37 disclose information to additional persons only if the agency does
38 the following:

39 (A) Determines that all conditions set forth in paragraph (1)
40 have been satisfied regarding disclosure to the additional persons.

1 (B) Identifies the appropriate scope of further disclosure.

2 (3) Persons notified pursuant to paragraph (1) may disclose
3 the information provided by the law enforcement agency in the
4 manner and to the extent authorized by the law enforcement
5 agency.

6 (4) The information that may be disclosed pursuant to this
7 section includes the following:

8 (A) The offender's full name.

9 (B) The offender's known aliases.

10 (C) The offender's gender.

11 (D) The offender's race.

12 (E) The offender's physical description.

13 (F) The offender's photograph.

14 (G) The offender's date of birth.

15 (H) Crimes resulting in registration under Section 290.

16 (I) The offender's address, which must be verified prior to
17 publication.

18 (J) Description and license plate number of offender's vehicles
19 or vehicles the offender is known to drive.

20 (K) Type of victim targeted by the offender.

21 (L) Relevant parole or probation conditions, such as one
22 prohibiting contact with children.

23 (M) Dates of crimes resulting in classification under Section
24 290.

25 (N) Date of release from confinement.

26 (O) The offender's enrollment, employment, or vocational
27 status with any university, college, community college, or other
28 institution of higher learning.

29 However, information disclosed pursuant to this subdivision
30 shall not include information that would identify the victim.

31 (5) If a law enforcement agency discloses information pursuant
32 to this subdivision, it shall include, with the disclosure, a statement
33 that the purpose of the release of the information is to allow
34 members of the public to protect themselves and their children from
35 sex offenders.

36 (6) For purposes of this section, "likely to encounter" means
37 both of the following:

38 (A) That the agencies, organizations, or other community
39 members are in a location or in close proximity to a location where

1 *the offender lives or is employed, or that the offender visits or is*
2 *likely to visit on a regular basis.*

3 *(B) The types of interaction that ordinarily occur at that*
4 *location and other circumstances indicate that contact with the*
5 *offender is reasonably probable.*

6 *(7) For purposes of this section, “reasonably suspects” means*
7 *that it is objectively reasonable for a peace officer to entertain a*
8 *suspicion, based upon facts that could cause a reasonable person*
9 *in a like position, drawing when appropriate on his or her training*
10 *and experience, to suspect that a child or other person is at risk.*

11 *(8) For purposes of this section, “at risk” means a person is or*
12 *may be exposed to a risk of becoming a victim of a sex offense*
13 *committed by the offender.*

14 *(9) A law enforcement agency may continue to disclose*
15 *information on an offender under this subdivision for as long as the*
16 *offender is included in Section 290.4.*

17 *(b) In addition to the procedures set forth elsewhere in this*
18 *section, a designated law enforcement entity may advise the public*
19 *of the presence of high-risk sex offenders in its community*
20 *pursuant to this subdivision.*

21 *(1) For purposes of this subdivision:*

22 *(A) A high-risk sex offender is a person who has been convicted*
23 *of an offense specified in paragraph (1) of subdivision (a) of*
24 *Section 290.4, and also meets one of the following criteria:*

25 *(i) Has been convicted of three or more violent sex offenses, at*
26 *least two of which were brought and tried separately.*

27 *(ii) Has been convicted of two violent sex offenses and one or*
28 *more violent nonsex offenses, at least two of which were brought*
29 *and tried separately.*

30 *(iii) Has been convicted of one violent sex offense and two or*
31 *more violent nonsex offenses, at least two of which were brought*
32 *and tried separately.*

33 *(iv) Has been convicted of either two violent sex offenses or one*
34 *violent sex offense and one violent nonsex offense, at least two of*
35 *which were brought and tried separately, and has been arrested on*
36 *separate occasions for three or more violent sex offenses, violent*
37 *nonsex offenses, or associated offenses.*

38 *(v) Has been adjudicated a sexually violent predator pursuant*
39 *to Article 4 (commencing with Section 6600) of Chapter 2 of Part*
40 *2 of Division 6 of the Welfare and Institutions Code.*

1 (B) A violent sex offense means any offense defined in Section
2 220, except attempt to commit mayhem, or Section 261, 264.1,
3 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily
4 injury during the commission of a sex offense, as provided in
5 Section 12022.8.

6 (C) A violent nonsex offense means any offense defined in
7 Section 187, subdivision (a) of Section 192, or Section 203, 206,
8 207, or 236, provided that the offense is a felony, subdivision (a)
9 of Section 273a, Section 273d or 451, or attempted murder, as
10 defined in Sections 187 and 664.

11 (D) An associated offense means any offense defined in Section
12 243.4, provided that the offense is a felony, Section 311.1, 311.2,
13 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459, provided the
14 offense is of the first degree, Section 597 or 646.9, subdivision (d),
15 (h), or (i) of Section 647, Section 653m, or infliction of great bodily
16 injury during the commission of a felony, as defined in Section
17 12022.7.

18 (E) For purposes of subparagraphs (B) to (D), inclusive, an
19 arrest or conviction for the statutory predecessor of any of the
20 enumerated offenses, or an arrest or conviction in any other
21 jurisdiction for any offense that, if committed or attempted in this
22 state, would have been punishable as one or more of the offenses
23 described in those subparagraphs, is to be considered in
24 determining whether an offender is a high-risk sex offender.

25 (F) For purposes of subparagraphs (B) to (D), inclusive, an
26 arrest as a juvenile or an adjudication as a ward of the juvenile
27 court within the meaning of Section 602 of the Welfare and
28 Institutions Code for any of the offenses described in those
29 subparagraphs is to be considered in determining whether an
30 offender is a high-risk sex offender.

31 (G) Notwithstanding subparagraphs (A) to (D), inclusive, an
32 offender shall not be considered to be a high-risk sex offender if
33 either of the following apply:

34 (i) The offender's most recent conviction or arrest for an offense
35 described in subparagraphs (B) to (D), inclusive, occurred more
36 than five years prior to the high-risk assessment by the Department
37 of Justice, excluding periods of confinement.

38 (ii) The offender notifies the Department of Justice, on a form
39 approved by the department and available at any sheriff's office,
40 that he or she has not been convicted in the preceding 15 years,

1 *excluding periods of confinement, of an offense for which*
2 *registration is required under paragraph (2) of subdivision (a) of*
3 *Section 290, and the department is able, upon exercise of*
4 *reasonable diligence, to verify the information provided in*
5 *paragraph (2).*

6 (H) “Confinement” means confinement in a jail, prison,
7 school, road camp, or other penal institution, confinement in a
8 state hospital to which the offender was committed as a mentally
9 disordered sex offender under Article 1 (commencing with Section
10 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and
11 Institutions Code, or confinement in a facility designated by the
12 Director of Mental Health to which the offender was committed as
13 a sexually violent predator under Article 4 (commencing with
14 Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare
15 and Institutions Code.

16 (I) “Designated law enforcement entity” means any of the
17 following: municipal police department; sheriff’s department;
18 district attorney’s office; county probation department;
19 Department of Justice; Department of Corrections; Department of
20 the Youth Authority; Department of the California Highway
21 Patrol; the police department of any campus of the University of
22 California, California State University, or community college.
23 “Designated law enforcement entity” shall also mean the police
24 department of any school district, as defined in subdivision (b) of
25 Section 830.32, except that nothing in this subdivision shall
26 authorize these departments to make disclosures about registrants
27 intended to reach persons beyond the school community.

28 (J) “School community” means those persons present at, those
29 persons regularly frequenting, and the parents of any student
30 attending, a school providing instruction in kindergarten or
31 grades 1 to 12, inclusive, or any place associated with one of these
32 schools. A place associated with a school includes campuses;
33 administrative and educational offices; laboratories; satellite
34 facilities owned or utilized by the school for educational
35 instruction, business, or school events; and public areas
36 contiguous to any school or facility that are frequented by students,
37 employees, or volunteers of the school.

38 (2) The Department of Justice shall continually search the
39 records provided to it pursuant to subdivision (b) of Section 290
40 and identify, on the basis of those records, high-risk sex offenders.

1 *Four times each year, the department shall provide to each chief*
2 *of police and sheriff in the state, and to any other designated law*
3 *enforcement entity upon request, the following information*
4 *regarding each identified high-risk sex offender: full name; known*
5 *aliases; gender; race; physical description; photograph; date of*
6 *birth; and crimes resulting in classification under this section.*

7 *(3) The Department of Justice and any designated law*
8 *enforcement entity to which notice has been given pursuant to*
9 *paragraph (2) may cause to be made public, by whatever means*
10 *the agency deems necessary to ensure the public safety, based upon*
11 *information available to the agency concerning a specific person,*
12 *including, but not limited to, the information described in*
13 *paragraph (2); the offender's address, which shall be verified*
14 *prior to publication; description and license plate number of the*
15 *offender's vehicles or vehicles the offender is known to drive; type*
16 *of victim targeted by the offender; relevant parole or probation*
17 *conditions, such as one prohibiting contact with children; dates of*
18 *crimes resulting in classification under this section; and date of*
19 *release from confinement; but excluding information that would*
20 *identify the victim.*

21 *(4) Notwithstanding any other provision of law, any person*
22 *described in paragraph (2) of subdivision (d) who receives*
23 *information from a designated law enforcement entity pursuant to*
24 *paragraph (3) may disclose that information in the manner and to*
25 *the extent authorized by the law enforcement entity.*

26 *(5) The law enforcement agency may authorize persons and*
27 *entities who receive the information pursuant to paragraph (3) to*
28 *disclose information to additional persons only if the agency does*
29 *the following:*

30 *(A) Determines that all conditions set forth in this subdivision*
31 *have been satisfied regarding disclosure to the additional persons.*

32 *(B) Identifies the appropriate scope of further disclosure.*

33 *(c) Agencies disseminating information to the public pursuant*
34 *to subdivision (b) shall maintain records of the means and dates*
35 *of dissemination for a minimum of five years.*

36 *(d) (1) Any law enforcement agency and employees of any law*
37 *enforcement agency shall be immune from liability for good faith*
38 *conduct under this section. For the purposes of this section, "law*
39 *enforcement agency" means the Attorney General of California,*
40 *every district attorney, the Department of Corrections, the*

Department of the Youth Authority, and every state or local agency expressly authorized by statute to investigate or prosecute law violators.

(2) Any public or private educational institution, day care facility, or any child care custodian described in Section 11165.7, or any employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized pursuant to paragraph (3) of subdivision (a) or paragraph (4) of subdivision (b) that is provided by a law enforcement agency or an employee of a law enforcement agency shall be immune from civil liability.

(e) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.

(2) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(f) The public notification provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to Section 290 arose, and to every offense described in this section, regardless of when it was committed.

SEC. 5. The Department of Justice may develop a training program for police, sheriffs, and campus police departments explaining how information specified in paragraph (1) of subdivision (d) of Section 290.01 of the Penal Code may be disclosed.

~~**SEC. 3.**~~

SEC. 6. It is the intent of the Legislature in enacting this act to ensure that California universities, colleges, community colleges, and other institutions of higher learning maintain full eligibility for federal funds by complying with the provisions of Section 1092(f)(1)(I) of Title 20 of the United States Code.

~~**SEC. 4.**~~

SEC. 7. *(a) Section 1.1 of this bill incorporate amendments to Sections 290 of the Penal Code proposed by both this bill and SB 356. It shall only become operative if (1) both bills are enacted*

1 and become effective on or before January 1, 2004, (2) each bill
2 amends Section 290 of the Penal Code, and (3) SB 879 is not
3 enacted or as enacted does not amend that section, and (4) this bill
4 is enacted after SB 356, in which case Sections 1, 1.2, 1.3, of this
5 bill shall not become operative.

6 (b) Section 1.2 of this bill incorporates amendments to Section
7 290 of the Penal Code proposed by both this bill and SB 879. It
8 shall only become operative if (1) both bills are enacted and
9 become effective on or before January 1, 2004, (2) each bill
10 amends Section 290 of the Penal Code, (3) SB 356 is not enacted
11 or as enacted does not amend that section, and (4) this bill is
12 enacted after SB 879 in which case Sections 1, 1.1, and 1.3 of this
13 bill shall not become operative.

14 (c) Section 1.3 of this bill incorporates amendments to Section
15 290 of the Penal Code proposed by this bill, SB 356, and SB 879.
16 It shall only become operative if (1) all three bills are enacted and
17 become effective on or before January 1, 2004, (2) all three bills
18 amend Section 290 of the Penal Code, and (3) this bill is enacted
19 after SB 356 and SB 879, in which case Sections 1, 1.1, and 1.2 of
20 this bill shall not become operative.

21 SEC. 8. Section 3.1 of this bill incorporates amendments to
22 Section 290.4 of the Penal Code proposed by both this bill and SB
23 356. It shall only become operative if (1) both bills are enacted and
24 become effective on or before January 1, 2004, (2) each bill
25 amends Section 290.4 of the Penal Code, and (3) this bill is
26 enacted after SB 356, in which case Section 3 of this bill shall not
27 become operative.

28 SEC. 9. Section 4.1 incorporates changes to Section 290.45 of
29 the Penal Code proposed by this bill and SB 356. It shall only
30 become operative if (1) both bills are enacted and become effective
31 on or before January 1, 2004, (2) SB 356 amends Section 290 of
32 the Penal Code, and (3) this bill is enacted after SB 356, in which
33 case Section 4 of this bill shall not become operative.

34 SEC. 10. No reimbursement is required by this act pursuant
35 to Section 6 of Article XIII B of the California Constitution for
36 certain costs that may be incurred by a local agency or school
37 district because in that regard this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

3 *However, notwithstanding Section 17610 of the Government*
4 *Code, if the Commission on State Mandates determines that this*
5 *act contains other costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code. If the statewide cost of the*
9 *claim for reimbursement does not exceed one million dollars*
10 *(\$1,000,000), reimbursement shall be made from the State*
11 *Mandates Claims Fund.*

12 *SEC. 11.* This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety
14 within the meaning of Article IV of the Constitution and shall go
15 into immediate effect. The facts constituting the necessity are:

16 In order to ensure that California is in full compliance with the
17 Jacob Wetterling Crimes Against Children and Sexually Violent
18 Offender Registration Act and the Higher Education Act of 1965,
19 as amended by the Campus Sex Crimes Prevention Act, it is
20 necessary that this act take effect immediately.

